

By Mr. BULL: Papers to accompany House bill No. 8594, granting a pension to Mrs. Matilda Rapp—to the Committee on Invalid Pensions.

By Mr. BUTLER (by request): Resolutions of Darby Borough Presbyterian Church, Colwyn, Pa., asking for the extension to our new possessions of all acts of Congress now in force in our Territories, and adding thereto better laws relating to the sale of liquor, Sunday observance, etc.—to the Committee on Insular Affairs.

By Mr. CONNELL: Petitions of E. G. Biesecker, R. A. Bird, and others, of Moscow; N. Goodrich, A. W. Kenyon, Orin Denny, William Fisher, J. G. Weldy, W. M. Burdick, and others, of Carbondale and Jubilee, Pa., to amend the oleomargarine law—to the Committee on Agriculture.

By Mr. DALZELL: Papers to accompany House bill granting increase of pension to David I. Coon—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Petition of J. H. Zanke and 70 other citizens of Algona, Iowa, in relation to the free distribution of black-leg vaccine by the Department of Agriculture—to the Committee on Agriculture.

Also, petitions of Dr. M. Fitzgerald and 7 citizens of Boone; J. B. H. Funstra, M. D., and Mohr & Maher, of Arcadia; Schroeder Bros. and 10 citizens of Manning, and C. H. Beam, of Rolfe, State of Iowa, relating to the stamp act on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Minnesota National Park and Forest Reserve Association, urging the passage of a certain bill for the establishment of a national park at the head waters of the Mississippi, in the State of Minnesota—to the Committee on the Public Lands.

By Mr. GAMBLE: Resolutions of the Cigar Makers' Union, No. 153, of Sioux Falls, S. Dak., protesting against the admission into the United States free of duty the products of the Philippine Islands and Puerto Rico—to the Committee on Ways and Means.

By Mr. GROUT: Petition of Selim Newell and 2 other employees of the St. Johnsbury (Vt.) post-office, favoring the passage of House bill No. 4357, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL: Petition of Adjutant Noon Post, Grand Army of the Republic, of Coalport, Pa., in favor of a per diem pension law—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Resolutions of the Spokane Chamber of Commerce, favoring the division of the State of Washington into eastern and western judicial districts—to the Committee on the Judiciary.

Also, resolutions of the Alaska Miners' Association, relating to mining claims, military reservations, judicial districts, and the government of Alaska—to the Committee on the Public Lands.

By Mr. LENTZ: Petition of Charles A. Aaron and others, of Columbus, Ohio, and Andrew H. Clark and others, of Lancaster, Ohio, post-office clerks, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. McDOWELL: Papers to accompany House bill to remove the charge of desertion against Jacob Ley—to the Committee on Military Affairs.

By Mr. MANN: Resolution of Local Union No. 141, of Chicago (Ill.) Brotherhood of Carpenters and Joiners, with reference to arid and public lands—to the Committee on the Public Lands.

Also, petitions of E. G. Colburn and O. U. Sisson, druggists of Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, paper to accompany House bill granting a pension to Lucy D. Young, of Chicago, Ill.—to the Committee on Pensions.

By Mr. MIERS of Indiana: Paper to accompany bill granting a pension to Robert T. Davis—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Isabella Whitson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of John W. Burton—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting increase of pension to John W. Browne—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Petition of W. L. Terhune, of Boston, Mass., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Petition of Robert O. Bingham, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. POLK: Petition of Mrs. S. J. Masteller and other citizens of Columbia County, Pa., regarding the government of the Hawaiian Islands—to the Committee on the Territories.

Also, petition of the Northeastern Pennsylvania Press Association, regarding the removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. RAY of New York: Petitions of E. M. Griggs, F. W. Craine, and other citizens of Guilford and Brookfield, N. Y., favoring the bill relating to dairy products—to the Committee on Agriculture.

Also, petition of Otis S. Beach and other retail druggists of Tioga County, N. Y., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. SPRAGUE: Papers to accompany House bill No. 2373, for the relief of Horace P. Williams—to the Committee on War Claims.

Also, papers to accompany House bill No. 5465, to amend an act to provide for the establishment of a retired list of the enlisted men of the United States Army, approved February 14, 1885—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petitions of Woman's Park Club and Cosmopolitan Club, of Merriam Park, Mrs. D. B. Lewis, and citizens of St. Paul, Minn., in favor of the national park for northern Minnesota—to the Committee on the Public Lands.

Also, petition of H. P. Hanson, secretary of the Cambridge Creamery Company, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, protest of Cigar Makers' Union No. 98, of St. Paul, Minn., against the passage of bill admitting products of Puerto Rico free of duty—to the Committee on Ways and Means.

Also, petition of the Minnesota Academy of Medicine, against the passage of the anti-vivisection bill—to the Committee on the District of Columbia.

Also, petition of E. E. Hughson, president of the St. Paul Underwriters' Association, in favor of the bill to substitute a tax on the gross premiums of insurance companies in lieu of the stamp tax—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Governor Frank W. Rollins and 30 other citizens of New Hampshire, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. SULZER: Remonstrance of the New York Retail Grocers' Union, against a parcel-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Scandinavian Democratic Club of Brooklyn, N. Y., expressing sympathy with the Boers—to the Committee on Foreign Affairs.

By Mr. WILSON of New York: Resolutions of the municipal assembly of the city of New York, for the construction of gunboats and cruisers in the several navy-yards of the Government—to the Committee on Naval Affairs.

By Mr. WRIGHT: Resolutions of Cigar Makers' Union No. 355, protesting against the reduction of present duties on Puerto Rican products—to the Committee on Insular Affairs.

By Mr. YOUNG of Pennsylvania: Petition of the United National Association of Post-Office Clerks, Branch No. 33, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, February 28, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 2368) granting a pension to May A. Randall.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of the Woman's Christian Temperance Union of Detroit, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors and opium in Hawaii, and also to prohibit gambling therein; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of sundry citizens of Port Huron, Mich., praying for the enactment of legislation to limit absolute divorce in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a resolution adopted at a meeting of the Ohio County Farmers' Institute, held at Elm Grove, W. Va., favoring the enactment of legislation to control the sale and manufacture of oleomargarine and other imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. TURNER presented a petition of sundry citizens of Mayview, Wash., praying for the adoption of certain amendments to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MCOMAS presented the petition of Martha E. Horn, of Baltimore, Md., praying that she be granted a pension; which was referred to the Committee on Pensions.

Mr. CULLOM presented the memorial of R. M. Pritchett and six other citizens of Dana, Ill., remonstrating against the passage of the so-called parcels post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 174, Cigar Makers' International Union, of Joliet, Ill., and a memorial of Local Union No. 38, Cigar Makers' International Union, of Springfield, Ill., remonstrating against the importation of cigars from Puerto Rico free of duty; which were referred to the Committee on the Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 410, United Mine Workers, of Danville, Ill., and a petition of Local Union No. 410, Cigar Makers' International Union, of Centralia, Ill., praying for the enactment of legislation to limit the hours of daily service of laborers on public works of the United States, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented petitions of the Newton Wagon Company, of Batavia; the Alston Manufacturing Company, of Chicago; the Batavia Wind Mill Company, of Batavia; the Challenge Wind Mill and Feed Mill Company, of Batavia; the Parlin & Orendorff Company, of Canton; the Kingman Plow Company, of Peoria, and the Sandwich Manufacturing Company, of Sandwich, all in the State of Illinois, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. ALLEN presented a petition of sundry citizens of Rushville, Nebr., praying for a continuance of the free distribution by the Bureau of Animal Industry of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 143, Cigar Makers' International Union, of Lincoln, Nebr., remonstrating against the importation of cigars from Puerto Rico free of duty; which was referred to the Committee on the Pacific Islands and Puerto Rico.

He also presented a petition of the Central Labor Union of Omaha, Nebr., praying that all the public lands be held for the benefit of the whole people, and that no grants of title be made to any but actual settlers; which was referred to the Committee on Public Lands.

Mr. GALLINGER presented a petition of sundry citizens of Bristol, Vt., praying for the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 213) for the relief of Bvt. Capt. James D. Verney, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 225) for the relief of the Atlantic Works, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2808) for the increase of the salaries of the justices of the courts of the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3025) to amend sections 5424, 5425, 5426, 5428, and 5429 of the Revised Statutes of the United States under Title LXX, chapter 5, crimes against the operation of the Government, to ask to be discharged from its further consideration, and that the same be referred to the Committee on Privileges and Elections.

I should like to be permitted to state that this is a bill changing certain sections of the Revised Statutes in regard to certain crimes, and nearly all of the crimes are crimes in relation to using false naturalization papers in elections, and so forth. While there are one or two provisions of the bill that do not come under the ordinary jurisdiction of the Committee on Privileges and Elections, those provisions do not seem to us likely to commend themselves to the Senate, and the substance of the bill comes within the province of that committee.

The PRESIDENT pro tempore. Without objection, the Committee on the Judiciary will be discharged, and the bill will be referred to the Committee on Privileges and Elections.

Mr. STEWART, from the Committee on Claims, to whom were

referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2769) for the relief of Warren Hall;

A bill (S. 2944) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased; and

A bill (S. 1623) for the relief of Charles Gallagher, of New York, and to refer his claims to the Court of Claims.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. FAIRBANKS on the 24th instant, proposing to increase the allowance for salary of the consul at Bahia, Brazil, from \$2,000 to \$2,500, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. SPOONER on the 27th instant, proposing to increase the salary of the consul-general at Frankfort from \$3,000 to \$4,000, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 558) to make disposition of the increment and accretions upon the sums reserved by the Department of State from the fund received by the United States upon the account of the payment of the awards of the late Spanish and American claims commission and to pay and distribute the same, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the bill (S. 895) for the relief of William W. Handlin, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GEAR, from the Committee on Pacific Railroads, to whom was referred the bill (S. 1291) authorizing the settlement and adjustment with the Sioux City and Pacific Railway Company of its indebtedness to the United States; reported it without amendment, and submitted a report thereon.

VALOROUS G. AUSTIN.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2587) for the relief of the heirs of Valorous G. Austin, deceased, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2587) entitled "A bill for the relief of the heirs of Valorous G. Austin, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

MARY E. HUESTIS.

Mr. DEPEW, from the Committee on Claims, to whom was referred the bill (S. 274) for the relief of Mary E. Huestis, executrix of the estate of David Huestis, deceased, late of Cold Spring, Putnam County, in the State of New York, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 274) entitled "A bill for the relief of Mary E. Huestis, executrix of the estate of David Huestis, deceased, late of Cold Spring, Putnam County, in the State of New York," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

CALIFORNIA STATE CLAIMS.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1798) referring to the Court of Claims certain claims arising in California in the years 1846 to 1848, reported the following resolution; which was read:

Resolved, That the bill (S. 1798) entitled "A bill referring to the Court of Claims certain claims arising in California in the years 1846 and 1848," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. BATE. What does that contemplate?

Mr. STEWART. Nothing but a finding of the facts.

Mr. BATE. Has that same proposition been before the Committee on Military Affairs?

Mr. STEWART. I think not. The bill was introduced by the Senator from California [Mr. PERKINS]. These are some old claims. I do not know what the merit of them is, but it would be well enough to find the facts in the case, and so we report the resolution and ask for its adoption.

The resolution was agreed to.

Mr. ALLISON. Mr. President, I rose to say that I shall object to the consideration of bills reported this morning, or to unanimous consent asked, on account of the fact that there are several pressing matters which must be considered to-day, and it is necessary to economize time.

JAMERSON W. RICE.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 1088) for the relief of the estate of Jamerson W. Rice, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1088) entitled "A bill for the relief of the estate of Jamerson W. Rice," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ESTATE OF WILLIAM K. SEBASTIAN.

Mr. TALIAFERRO. I am directed by the Committee on Claims, to whom was referred the bill (S. 1087) for the relief of the estate of William K. Sebastian, deceased, late of Phillips County, Ark., to report a resolution, and I ask for its immediate consideration.

Mr. ALLISON. I will object to its present consideration if it leads to any debate.

Mr. HOAR. It merely refers a claim to the Court of Claims.

Mr. STEWART. It is only one of the usual references.

Mr. ALDRICH. But that may be very important.

The PRESIDENT pro tempore. The resolution will be read.

The resolution was read, and agreed to, as follows:

Resolved, That the bill (S. 1087) entitled "A bill for the relief of the estate of William K. Sebastian, deceased, late of Phillips County, Ark.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

GERTRUDE NOLASCO.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 894) for the relief of Gertrude Nolasco, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 894) entitled "A bill for the relief of Gertrude Nolasco," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3365) for the relief of the estate of Kelita Suit, deceased;

A bill (S. 3366) to carry into effect a finding of the Court of Claims in favor of Henry R. Walton, administrator of John Walton, deceased; and

A bill (S. 3367) for the relief of George Brewer.

Mr. McCOMAS introduced a bill (S. 3368) for the relief of Franklin Buchanan Sullivan; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3369) for the relief of Mary C. Henderson; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3370) granting a pension to Martha E. Horn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3371) to adjust the rank and pay of certain officers of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3372) correcting the naval record of Alfred Loudon, alias Alfred Rowland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3373) granting an increase of pension to Samuel C. Krickbaum; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3374) for the relief of Joseph Orton Kerbey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GEAR introduced a bill (S. 3375) granting relief to Susan

Bedell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3376) granting an increase of pension to James M. Fry;

A bill (S. 3377) granting an increase of pension to Alfred R. Babb;

A bill (S. 3378) granting a pension to J. M. Bonham (with an accompanying paper);

A bill (S. 3379) granting an increase of pension to Peter C. Monfort; and

A bill (S. 3380) granting an increase of pension to Hamilton K. Williams.

Mr. GEAR introduced a bill (S. 3381) for the relief of Mrs. S. M. Rogers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3382) granting an increase of the appropriation for the enlargement of the public building at Burlington, Iowa; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DEPEW introduced a bill (S. 3383) in addition to the acts creating the office and defining the duties of the supervisor of the harbor of New York, and to regulate towing within the limits of said harbor and adjacent waters; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3384) for the relief of Recknagel & Co.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3385) to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3386) granting a pension to Catherine L. Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3387) to assist in the erection of a monument and statue to the memory of the late Capt. Samuel Chester Reid; which was read twice by its title, and referred to the Committee on the Library.

Mr. FAIRBANKS introduced a bill (S. 3388) to provide for the purchase of a site and the erection of a building thereon at Muncie, in the State of Indiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3389) to provide for the purchase of a site and the erection of a building thereon at Anderson, in the State of Indiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TURNER introduced a bill (S. 3390) granting an American registry to the vessel known as the *Amur*; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HEITFELD introduced a bill (S. 3391) granting a pension to John Black; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3392) granting an increase of pension to George W. Sabin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 3393) granting an increase of pension to Agatha O'Brien; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3394) for the relief of Mrs. W. F. Hardin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3395) for the relief of James H. Blair, heir at law of Mary Blair, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCUMBER submitted an amendment proposing to place to the credit on the books of the Treasury the annuities provided for by the treaty of July 23, 1851, between the United States and the Sisseton and Wahpeton bands of Sioux Indians, which were not actually paid to said Indians prior to the act of Congress approved February 12, 1889, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McBRIDE submitted an amendment proposing to increase the salary of the librarian for the law library at the General Land Office from \$1,200 to \$1,450 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate \$1,000 for a survey of the outlet to Flathead Lake, in the State of Montana, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

MAY A. RANDALL.

The PRESIDENT pro tempore. The Chair lays before the Senate the following bill, returned from the House of Representatives in compliance with the request of the Senate.

The SECRETARY. A bill (S. 2368) granting a pension to May A. Randall.

Mr. GALLINGER. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the act (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899.

ADULTERATION OF FOOD PRODUCTS.

Mr. MASON. I desire to make a report from the Committee on Manufactures. The committee have had under consideration the resolution directing the Committee on Manufactures to investigate and ascertain what, if any, manufactured food products are adulterated, and which, if any, of said products are frauds upon purchasers or deleterious to the public health.

I wish simply to say as I file the report that I am exceedingly anxious to have a time for a hearing upon the bill, and I beg my colleagues on the floor, if they have not time to read all of the evidence which we submit, about seven or eight hundred pages, to read the report simply. I desire particularly to call the attention of the Senate to the result of the last act which the Senate passed in regard to the adulteration of flour.

The PRESIDENT pro tempore. Does the Senator from Illinois report a bill?

Mr. MASON. No. A bill has been introduced and is still under consideration, and amendments are pending. I simply file this report to be printed as a regular report, as is done in all other cases. I do not intend to take the time of the Senate now, but I do want to beg indulgence for one moment to ask the Senators to read that part of the evidence which shows the increase of the sale of American flour and of such American manufactured food products generally as have been put under the control and direction and management of the Government itself. In other words, it has helped the sale of our goods as well as protected the consumer, and it has also protected the honest manufacturer. That is all I care to say at the present time.

The PRESIDENT pro tempore. The report will be received and printed.

PUBLIC SCHOOL STUDIES IN THE DISTRICT OF COLUMBIA.

Mr. STEWART submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the necessary expenses of the inquiry into the instruction given in the public schools of the District of Columbia, as provided for by the resolution of the Senate of February 7, 1900, be paid from the contingent fund of the Senate, on vouchers to be approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

THE FINANCIAL BILL.

The PRESIDENT pro tempore. If there be no concurrent or other resolutions the Calendar under Rule VIII is in order.

Mr. ALDRICH. In accordance with previous notice, I ask that the Senate may now proceed to the consideration of the conference report on the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the Senate proceed to the consideration of the conference report on the financial bill. The Chair hears no objection.

Mr. HOAR. I should like to ask the Senator, for information, not to obstruct or interfere with his purpose at all, whether he anticipates a debate on this report after he has himself concluded?

Mr. ALDRICH. The understanding of the Senate was that I was to submit a statement of the effect of the conference report, an explanation of it rather, and that then the matter was to go over until to-morrow. That is the understanding.

Mr. HOAR. How long does the Senator expect to occupy the floor?

Mr. ALDRICH. I do not think that my statement will last more than fifteen minutes, but I am not sure.

The PRESIDENT pro tempore. The conference report has been read in full to the Senate. The Senator from Rhode Island will proceed.

Mr. ALDRICH. Mr. President, as the substitute reported from the Finance Committee for House bill No. 1 was fully discussed in the Senate by the Senator from Iowa [Mr. ALLISON] and other members of the committee, I shall confine my statement this morning to an explanation of such of the provisions of the conference report as amend or modify the terms of the Senate bill.

The first amendment is in the first section—in that portion defining the standard. It is a purely verbal change, and does not affect in any way the purpose of the original provision.

The second amendment is made by adding to the sentence which provides for maintaining a parity of all forms of money issued or coined by the United States the following words:

And it shall be the duty of the Secretary of the Treasury to maintain such parity.

The original provision contains a solemn and direct pledge on the part of the United States that parity shall be maintained, and in my opinion it imposes upon the Secretary of the Treasury, without further legislation, the strongest possible obligation to maintain such parity at all times and by all lawful means at his command. But the House conferees were desirous that this direction to the Secretary should be put into the law in terms, and the Senate conferees agreed to its insertion.

The third amendment from the Senate bill is in section 2. This amendment provides that in the reserve fund—

Mr. BURROWS. Which amendment does the Senator speak of?

Mr. ALDRICH. I am speaking of the third amendment, consecutively. It is to be found on the top of the twenty-second page of the print which I have.

Mr. TELLER. Will the Senator state what he is reading from? I can not find it here.

Mr. ALDRICH. I am reading from the conference report.

Mr. WOLCOTT. It is the print at the end of the three bills.

Mr. ALDRICH. I have already alluded, if the Senator will pardon me, to the first amendment, which is in section 1, to change the phraseology in regard to the definition, and to the second amendment, which makes it the duty of the Secretary of the Treasury to maintain the parity, which is found at the close of the first section.

I was about to state that the next amendment is found on the twenty-second page of the conference report of the print which I have, near the top of the page, the eighth line, where we have inserted "and bullion" after the words "gold coin." The original provisions of the Senate bill required that the Secretary of the Treasury should maintain a reserve fund of \$150,000,000 in gold coin. It was found impracticable to secure a sufficient amount of gold coin for the fund. The coinage capacities of the mints of the United States at the present time do not permit the coinage of gold bullion received with sufficient rapidity to answer current demands for gold coin. As soon as the new mint at Philadelphia is completed that difficulty will be obviated, and then there will be no difficulty in maintaining the total amount in gold coin. The conference committee therefore inserted the words "and bullion" after the words "gold coin," so as to provide that this reserve fund may be held in gold coin and bullion.

The next amendment is found near the bottom of page 23 of the print which I have, and reads as follows:

And the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues.

Mr. ALLEN. On what page is that?

Mr. ALDRICH. Near the bottom of the twenty-third page in the print of the House and Senate bills and the conference report.

Mr. ALLISON. On page 23 of the joint print?

Mr. ALDRICH. On page 23 of the print which contains the three bills.

The Senate will recollect that the original Senate bill provided for a reserve fund of \$150,000,000, which was to be replenished by the use of the notes redeemed by three methods: Either by an exchange with the gold coin in the general fund of the Treasury, or by accepting deposits of gold coin at various points throughout the United States in exchange for the notes; and third, by the use of notes, in accordance with the provision of section 3700 of the Revised Statutes, to secure gold; and in case all these methods failed, the Secretary of the Treasury should then sell bonds of the United States to procure the gold, the gold thus procured to be paid into the general fund of the Treasury, and then to be

exchanged for an equal amount of notes which were held in the reserve fund, these notes to take the place of the gold coin in the general fund of the Treasury.

It was insisted that there was a possibility under those provisions that the so-called "endless chain" might be revived and the reserve fund depleted by successive redemptions. The Senator from Iowa [Mr. ALLISON] and myself insisted that there would be no sale of bonds under this provision of the bill; that the clause providing for exchange for gold would, in our judgment, always be ample, and that we never would reach that point in the history of the reserve fund where the sale of bonds for the purpose of replenishment would be necessary.

We realized, however, that if bonds should be sold, and there should be at the same time a deficiency in the revenue, the notes covered into the Treasury and paid out for current expenses might be used to carry on an "endless chain" of redemption. After a discussion the language which I have read was inserted in the amendment reported in order to take away any possible doubt as to what should be done by the Secretary of the Treasury in case the emergency I have referred to should arise.

This provision in express terms prevents the Secretary of the Treasury from using these notes to meet deficiencies in the current revenues, but allows him to use them, first, for exchange for gold; second, for the purchase or redemption of any of the outstanding bonds of the United States; and third, for any other lawful purpose that the public interests may require. He may use them, if necessary in his discretion, to maintain the parity, as this would be certainly a lawful purpose within the meaning of this act. He may use them for any other purpose not prohibited. He may pay any of the obligations of the United States outside of interest-bearing obligations. In other words, this allows the Secretary of the Treasury to do precisely what he could do under the Senate bill or under existing law, except that it puts a prohibition upon his using them for the purpose of meeting current deficiencies in the revenue.

The next amendment is in the form of a new section, section 3, which reads as follows:

That nothing contained in this act shall be construed to affect the legal-tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States.

It will be remembered that in the discussion upon the Senate bill both the Senator from Iowa and myself contended vigorously that there was not a line or a word or a syllable in this bill as then constituted which in any manner affected the legal-tender quality of any of the various forms of money in existence. But it was contended equally as vigorously by Senators upon the other side that our declaration for a gold standard did take away from the silver dollar its legal-tender quality. It was to answer objections of this nature that the conferees thought it desirable to insert this express provision in the bill itself.

The next amendment is also a new section, section 4, which provides for the establishment in the Treasury Department, in the office of the Treasurer, of a division of issue and a division of redemption. I will say that those divisions are already in existence. This section does not create new offices. It does provide, however, for a different arrangement of the accounts of the Treasury Department with relation to the funds held for the various purposes mentioned in the section. It further provides that—

Each of the funds represented by these accounts shall be used for the redemption of the notes and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds.

The section incorporates into form existing law. Each of the funds mentioned is now held, not so definitely, however, for the redemption of the notes and certificates which are outstanding against them. A desirable improvement will be effected in the method of keeping the accounts of the Treasury.

The next amendment is in section 6, on page 26 of the joint print, near the top of the page. It is the second proviso, in regard to the issue of gold certificates. It reads as follows:

That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed \$60,000,000, the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided.

The purpose of this amendment is to provide that when gold is brought to the Treasury to exchange for paper, and the Treasury has an excess of paper in the form of United States notes and silver certificates, that the party desiring to make the exchange shall be required to take the form of currency the Treasury has in excess, and the Secretary shall not, under the circumstances, be obliged to issue new currency in the form of gold certificates. It is simply another method for strengthening the gold reserve in the Treasury, and I think it will be most effective in that direction.

Mr. TELLER. It is in the discretion of the Secretary?

Mr. ALDRICH. Yes; it is in the discretion of the Secretary.

The next amendment—section 7 of the conference report—is a recast of section 5 of the Senate bill, which relates to the denom-

inations of currency. The changes from the Senate provision are as follows:

It allows the Secretary, in his discretion, to issue silver certificates in denominations of \$20, \$50, and \$100, to an extent, however, not exceeding in the aggregate 10 per cent of the whole amount outstanding. There are now outstanding a considerable amount of silver certificates of these denominations, and both the Secretary and the Treasurer of the United States thought that the public convenience and the convenience of banks and others that were handling silver certificates would be served by permitting a limited amount of silver certificates to be retained in notes of the larger denominations.

The last part of the section provides that small silver certificates shall be first issued and those of a larger denomination withdrawn, and that thereafter the United States notes and Treasury notes of small denominations shall be retired and notes of a larger size shall be substituted in their place. It was feared that the operations of the Senate bill as originally drawn might result in a contraction of the currency.

The general purpose and plan of the Senate bill, to substitute silver certificates in small denominations for large ones, is carried out, with the exception I have named.

The eighth section authorizes the Secretary of the Treasury to coin into subsidiary silver coin—

Mr. COCKRELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Missouri?

Mr. COCKRELL. Would it disturb the Senator?

Mr. ALDRICH. Not in the slightest.

Mr. COCKRELL. What would be the effect of this retirement in section 7 of certificates of the denomination of \$10 or less?

Mr. ALDRICH. They are not retired until the others are issued. If the Senator will read the section through carefully, he will see that the change is made in the first instance for silver certificates, but the small notes, the ones, twos, and fives, the United States notes, are not retired until after the first exchange is made.

Mr. COCKRELL. That is, after new certificates are issued?

Mr. ALDRICH. After new silver certificates are issued of those denominations.

Mr. COCKRELL. Does not that then retire the Treasury notes, the greenbacks?

Mr. ALDRICH. Oh, no, it does not retire them. After these ones, twos, and fives of silver certificates are once in circulation it is then the duty of the Secretary of the Treasury to retire the outstanding ones, twos, and fives of the United States notes and issue larger notes in their place.

Mr. COCKRELL. You are sure that larger notes are authorized? That is the question.

Mr. ALDRICH. Oh, yes.

Mr. ALLISON. The same volume of money?

Mr. ALDRICH. The same volume of money exactly is out in all cases. I call the attention of the Senator from Missouri to the very last clause in section 7:

And notes of denominations of \$10 and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled.

There can be no retirement of United States notes under the provisions of this act except by this process of substitution, where ones, twos, and fives are retired or withdrawn from circulation and notes of higher denominations to precisely the same amount are issued in their place.

The next amendment is in section 8, as I have already stated, which authorizes the coinage of \$20,000,000 of additional subsidiary silver coin from silver bullion in the Treasury. At present the amount of subsidiary silver coin outstanding is \$80,000,000. This raises the limit of possible coinage to \$100,000,000.

Mr. TELLER. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. ALDRICH. Certainly.

Mr. TELLER. I should like to ask the Senator whether the committee considered whether \$100,000,000 was sufficient? I call his attention to the fact that that is a smaller amount of subsidiary money per capita than any other nation in the world. May I say a word?

Mr. ALDRICH. Certainly.

Mr. TELLER. The English people, being about 38,000,000, have \$111,000,000 of subsidiary money coined at a ratio of 14.28. So their money is less valuable than ours. The French have a much larger amount than ours. I do not recall the amount. The Germans, who had a smaller amount, have recently taken action in their Parliament to increase to a considerable extent, even very much beyond the English, their subsidiary money. It seems to me that we might have gone and that we should have gone to two hundred and some odd million dollars if we had kept within the amount of subsidiary money that England circulates per capita.

Mr. ALDRICH. I am inclined to agree to some extent with the

suggestions of the Senator from Colorado, but the committee did not think it wise at this time to raise this limit above \$100,000,000. I have not the slightest doubt myself, especially if we should use coinage of the United States, as I presume we shall in our new possessions, but that the amount of subsidiary silver coin in use will have to be very largely increased.

Mr. TELLER. Especially halves.

Mr. ALDRICH. Undoubtedly. It will be within the power of Congress at any time to provide for the purchase of bullion for such additional coinage, and I feel sure it will be necessary to do it. This was not intended to be a permanent settlement of the question.

Mr. TELLER. I wish to ask the Senator one other question. Even when we have coined this additional sum of money we will still have a large amount of bullion on hand?

Mr. ALDRICH. Yes.

Mr. TELLER. And that is not to be used to redeem the Treasury notes, as they are to be redeemed in gold coin?

Mr. ALDRICH. This provides only for 10,000,000 ounces.

Mr. TELLER. And we will have how many million ounces left after that?

Mr. ALDRICH. About eighty million, I think—somewhere between seventy million and eighty million.

Mr. TELLER. Somewhere between \$75,000,000 and \$80,000,000?

Mr. ALDRICH. Yes, Mr. President—

Mr. COCKRELL. If the Senator will allow me, as I understand, the bill as we passed it and as it went into conference placed no limit to the amount of subsidiary silver coin, and this limits the amount to \$100,000,000.

Mr. ALDRICH. The bill as it passed the Senate contained no reference to subsidiary coinage. The Senate Finance Committee recommended the striking out from the House bill of all reference to such coin. As it passed the House the bill did not fix a limit, but we believed that it was wiser at this time to fix a limit, leaving the question as to what should be done hereafter in regard to a much larger coinage of subsidiary coin to be determined by Congress whenever that question should arise.

The next amendment is the ninth section, which is new, it being a modification of a similar section which was contained in the House bill. It simply provides for the recoinage of all worn and uncurrent subsidiary silver coin now in the Treasury, and provides also for a recoinage, from time to time hereafter, of such worn and uncurrent silver coinage at the expense of the United States. Under existing conditions it has become necessary, from time to time, to make appropriations for the purpose of this recoinage. This section authorizes the Secretary, without special legislation, from time to time, to recoin any uncurrent coin in the Treasury.

The next amendment is in section 10, which simply changes the provision inserted in the Senate by striking out, in the third line from the end of the section, the word "four," and inserting the word "three." The House bill provided for banks with \$25,000 capital in places containing 2,000 inhabitants or less. The Senate bill provided for the organization of similar banks in places containing 4,000 inhabitants or less. The conference report is a compromise between these two sums, fixing the population at 3,000 in places where small national banks may be established.

The next amendment is on the thirtieth page, in the very last provision of section 11, which provides for an appropriation—

out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this act, a sum not exceeding one-fifteenth of 1 per cent of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

The Secretary of the Treasury and the Treasurer of the United States informed the conferees that this appropriation was necessary at the time to carry out promptly the provisions of this act. It is restricted in its use to the exchanges of bonds authorized by the act and covers only the cost of printing and other expenses incident to the cost of exchange, which would be very slight, of course.

The next change is in section 12, at the bottom of page 31, in the print which I have, which allows national banks to retain one-third of their circulation in denominations of \$5. The bill as it passed the Senate limited the circulating notes of the national banks to denominations of \$10. The officials of the Treasury Department were confident that this was unwise and we allow the Comptroller of the Currency to issue to the national banks not exceeding one-third of their circulating notes in denominations of \$5.

Mr. ALLEN. Will the Senator permit me at that point?

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield?

Mr. ALDRICH. Certainly.

Mr. ALLEN. As I understand, a previous section restricts the issues of the paper money, that is, the Government money as distinguished from the national-bank currency, to the denomination of \$10?

Mr. ALDRICH. I do not know exactly what the Senator means by "Government money."

Mr. ALLEN. I mean greenbacks.

Mr. ALDRICH. I supposed you would hold with me that Government money would include silver certificates?

Mr. ALLEN. Yes, sir; and the Treasury notes of different forms.

Mr. ALDRICH. The silver certificates are to be issued in denominations of one, two, five, ten, twenty, fifty, and one hundred dollars.

Mr. ALLEN. I understand these notes are to be taken up and exchanged into notes of larger denominations.

Mr. ALDRICH. The United States notes and Treasury notes only.

Mr. ALLEN. Well, the greenbacks. For the purpose I desire they will answer just as well as anything else. I will ask the Senator why make this discrimination between the greenback and the national-bank currency?

Mr. ALDRICH. I am not sure that it is a discrimination.

Mr. ALLEN. The Senator, if I understand him, thinks that the greenback is to be restricted to the lowest denomination, \$10, and now he concedes to the banks the right to issue one-third of this currency in denominations of \$5. Is not that a discrimination?

Mr. ALDRICH. I should think not, but I will state to the Senator very frankly what was the moving consideration with me in making this change. We provide for the first time in this bill for the organization of banks with a capital of \$25,000. Such banks will be organized, and I am sure, from indications, that the privilege will be very largely availed of in the small towns throughout the West and in other parts of the country. If we do not allow those banks to issue notes of denominations of less than \$10 for local circulation, we shall very seriously restrict their usefulness, in my judgment. I feel confident that they should have the right to a limited extent to issue notes of \$5.

Mr. ALLEN. I should like to ask the Senator a question, if he will permit me and if it will not disturb him.

Mr. ALDRICH. It does not disturb me in the slightest.

Mr. ALLEN. I would not interrupt the Senator if I could avoid it. The object of the bill, so far as the paper currency is concerned, is to extend the national banks and to extend their circulation, and correspondingly to crowd out of existence the State banks and private banking institutions. In aid of that purpose and in aid of the purpose of perpetuating the national bank and making it a permanent institution, the Senator proposes to restrict the issuance of greenbacks or national currency to denominations of \$10 and upward to encourage the use of national-bank currency to usurp its place, and finally to drive it out of existence. He proposes to make one-third of the national-bank currency in five-dollar notes.

Mr. ALDRICH. Mr. President, I am not now discussing the wisdom or unwisdom of any particular policy in regard to these matters.

Mr. ALLEN. I was simply asking for information.

Mr. ALDRICH. I will try to answer the Senator.

Mr. ALLEN. If that is not the purpose, what is the purpose or the object of permitting these five-dollar national-bank notes to be put into circulation?

Mr. ALDRICH. I will try again to explain to the Senator's apprehension just what was in my mind in regard to this matter. He is aware, I suppose, as I am, that there has been a great demand in his own country and in the West generally for the right to organize small national banks.

Mr. ALLEN. If the Senator will permit me, I desire to say that I know there is not a great demand in my country for the organization of national banks.

Mr. ALDRICH. Then I will exclude the Senator's country from my remarks. But there has been from all parts of the West, so far as I know, a great demand for the organization of such banks. If they are to be organized, it is important that they should be organized in such a way as to make it possible for them to live and to serve the convenience of the people in their neighborhood.

I am not sure, but I think the Senator from Nebraska was away when the amendment of the Senator from South Carolina [Mr. McLAURIN] was voted upon the other day, the effect of which was to repeal the tax on the circulation of State banks and enable them to issue notes without limit. I do not know whether the Senator is in favor of that proposition.

Mr. ALLEN. With the Senator's permission, I will say I announced myself over five years ago as being opposed to that policy.

Mr. ALDRICH. I am very sorry that the Senator from Nebraska disagrees with the Senators upon the other side, because my recollection is that every Democratic Senator present and voting voted for that proposition.

Mr. ALLEN. If the Senator will allow me, it does not make any difference to me what Democratic Senators did. I am not a Democrat.

Mr. ALDRICH. I did not know that the Senator had dissolved partnership with that party.

Mr. ALLEN. If the Senator will permit me, wherever I find the Democratic party doing the right thing I encourage them.

Mr. ALDRICH. Is that frequently?

Mr. ALLEN. Frequently. I can not say as much concerning the Republican party, although I try to encourage the Republican party in doing right, but I am decidedly in favor—and to be consistent I must be in favor—of the United States Government taking specific control of all its financial matters, financial institutions, and financial policies. Therefore, while I do not think there is any logical force in the decision of the Supreme Court of the United States in holding the 10 per cent tax constitutional, I think it good policy, and I have been uniformly in favor of retaining it; but I can possibly foresee, if the Senator will indulge me a moment—

Mr. ALDRICH. Certainly.

Mr. ALLEN. I can foresee, if this blind policy, this inexcusable policy, in my judgment, this illogical and disjointed policy, of turning over the financial institutions of the United States to a few individuals or a few corporations, if persisted in, and persisted in to the point of open revolt on the part of the people, as I think it will come in the course of time, it will be my duty, if in public life, to join extremists like my friend from South Carolina, who is not here I regret to say, to join with them in repealing that 10 per cent tax and permitting State institutions to issue bank notes. I think it would be less harmful in the stretch of years to come to this nation than the bill of which the Senator from Rhode Island is the advocate.

Mr. WOLCOTT. If the Senator from Rhode Island will allow me, as I understood his explanation of this new provision respecting the issue of small bills of national banks, it was this: As the bill passed the Senate and as it was reported from the Senate Finance Committee, the duty of furnishing small bills to the country was imposed upon the \$400,000,000, or thereabouts, in silver certificates, that amount of money being practically the amount of the total issued now in different forms of money in denominations under \$10. When the committee of conference came to consider the question, it appeared that the small national banks organized in remote communities would find it physically impossible to get currency if it were issued in Washington, because the circulation of the small national banks stays in the vicinage and is not scattered; and these small communities want money in small denominations; and if it were all issued from here, they could not get it. Therefore it was deemed desirable that the national banks with small capital should have the authority, under the Comptroller of the Currency, to issue a certain part of their circulation in small bills. Is not that so?

Mr. ALDRICH. That is so.

Mr. WOLCOTT. So that it does not affect the question of the currency at all.

Mr. ALLEN. The argument of the Senator from Colorado [Mr. WOLCOTT] applies with full force to all Government money. When I speak of "Government money," I speak of money issued directly in the form of legal-tender notes or currency by this Government, whether legal-tender currency, silver certificates, or in whatever form issued.

The Senator from Colorado says that these bills are needed in the remote communities, where these little national banks are to be established. What is to be said of the little remote community where the little national bank is not established? Does it not need small currency as well?

Mr. ALDRICH. It gets it.

Mr. ALLEN. How does it get it—from the national banks?

Mr. ALDRICH. It gets it from two sources, instead of one, as formerly.

Mr. ALLEN. No; it gets it from the national banks.

Mr. ALDRICH. Not necessarily. It gets it from our silver certificates or from the national banks. The bill as it now stands gives them two sources, where originally they had but one source.

Mr. ALLEN. I beg the Senator's pardon. The Senator said less than half an hour ago that all these forms of money were to be absorbed in the Treasury Department and larger notes issued in lieu of them.

Mr. ALDRICH. Which one is the Senator referring to?

Mr. ALLEN. National currency.

Mr. ALDRICH. I said exactly the opposite.

Mr. ALLEN. Greenbacks, then. What I was about to say— with the consent always of the Senator from Rhode Island—is this: The same objection that applies to the five-dollar greenback applies to the five-dollar national-bank currency.

Mr. ALDRICH. What is that?

Mr. ALLEN. The same objection that applies to the circulation of the five-dollar greenback applies with equal force to the circulation of the five-dollar national-bank currency or the five-dollar bill of any kind.

I do not want to charge the Senator with being unfair in this matter; I do not think he intends to be; but the Senator has failed

to tell the Senate thus far why he selects greenbacks for slaughter and preserves the silver note and gives the national-bank currency the channel formerly occupied by the greenbacks. I have no doubt the Senator has a reason for it, for he is as full of reasons as Vallombrosa is of leaves.

But what I wanted to suggest and what I wanted to bring out—if the Senator will permit; and then I shall not interrupt him any further than is necessary—is this: That the whole scheme of this bill, so far as it relates to the currency proper, as distinguished from our coinage system, is an attempt to perpetuate, to enlarge, to increase the ramifications of the national banks at the expense of the people, and require them to accept the currency of the national banks whether they will or not, because they must have currency.

Now, I want to put to the Senator this question, and I should like to have a straight answer to it: Is it not a dangerous thing, is it not absolutely and positively dangerous, to turn over to private organizations the whole of the manipulation of the currency policy of a great nation like this and make all the people subordinate to their dictation and their movements?

Mr. ALDRICH. Mr. President, although it is quite apart from my purpose in the discussion of this conference report, I have been very much interested in the statement of the Senator from Nebraska. I have recently heard him and a number of other Senators on that side of the aisle discourse eloquently in regard to the issue of money, claiming that all money issued in the United States should be issued by the Government directly, and that we should under no circumstances surrender to the banks this great power over the currency of the country.

It is a subject of regret that the Senator from Nebraska was not present when the amendment of the Senator from South Carolina [Mr. McLAURIN] was voted upon, by which the solid Democratic party in this body proposed to turn over to the State banks of the country the right to issue circulating notes.

Mr. ALLEN. I hope the Senator will not hold me responsible for the Democratic party.

Mr. ALDRICH. I am not holding the Senator responsible; but I will ask him, coming fresh from his party conferences in Nebraska, and from a conference with the man you propose to nominate for President, what is Mr. Bryan's view upon this question?

Mr. ALLEN. Mr. President, let me say to the Senator from Rhode Island that I have not been holding conferences with any man that I expect to be nominated for the office of President of the United States; but if the Senator from Rhode Island is referring to Mr. Bryan, I will say to him that Mr. Bryan has not been in the State of Nebraska for two or three weeks or probably four weeks.

Mr. ALDRICH. I presume his views have not changed on the money question within that time. I know it is said that his views have changed from time to time, but I presume they have not changed within the last two or three weeks.

Mr. ALLEN. I have not seen him within that time, and this is altogether gratuitous on the part of the Senator from Rhode Island here. I am not here to speak for Mr. Bryan. I am not his spokesman.

Mr. ALDRICH. For whom does the Senator speak, then?

Mr. ALLEN. I speak for the people who sent me here and for myself, and in that respect, if the Senator will permit me, I am perfectly willing to meet him in open debate upon any of these questions.

Mr. ALDRICH. I shall be glad to meet the Senator.

Mr. ALLEN. If Mr. Bryan were here and if he had the privilege of this forum, the Senator from Rhode Island would not be throwing out the insinuations that he is throwing out at this time.

Mr. ALDRICH. I am not throwing out any insinuations. I am stating facts.

Mr. ALLEN. And I hope the Senator from Rhode Island will not regard it as a proper thing to do to stand here in the Senate and sneer at a gentleman who is his equal at all times and under all circumstances and who has not the privilege of debate here.

Mr. ALDRICH. I would say to the Senator from Nebraska that I have great admiration for his friend Mr. Bryan, although I very rarely agree with him on any subject, and I certainly have not sneered at him or in regard to his position upon any subject. I have, however, great regret that at this early day there should appear this division between the two branches of the great party that is to favor Mr. Bryan in the next campaign.

Mr. ALLEN. You mean the two great parties?

Mr. ALDRICH. No; the two branches of a great party.

Mr. ALLEN. Mr. President—

Mr. ALDRICH. I think I shall have to ask the Senator from Nebraska to permit me to proceed.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield?

Mr. ALLEN. Will the Senator permit me to enter a protest?

Mr. ALDRICH. Certainly.

Mr. ALLEN. I most solemnly protest that I have no agreement

with the leader of the Democratic party. I am not a Democrat, Mr. President.

Mr. RAWLINS. Mr. President—

Mr. ALLEN. Wait a moment. There are three great parties in this country. The Senator spoke about two great parties. There are three great parties. There is the Democratic party, which is a great party; then there is the Republican party, which was a great party, and I hope it will be again; and there is the Populist party, a greater party than either of them. [Laughter.]

Mr. RAWLINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Utah?

Mr. ALDRICH. For a question; yes.

Mr. RAWLINS. I understood the Senator to say that the Democrats in the Senate voted solidly for the right of the State banks to issue money. Did I correctly understand the Senator?

Mr. ALDRICH. Every Democratic Senator who voted on the question voted for that proposition.

Mr. RAWLINS. I want to say if the expression of the Senator is intended to embrace all the Democrats in that category, he is mistaken.

Mr. ALDRICH. There were probably one or two who dodged, but every Democratic Senator who voted voted squarely for the proposition.

Mr. RAWLINS. I did not catch the remark the Senator last made.

Mr. ALDRICH. I said there might have been one or two Senators who dodged, but that every Democratic Senator who voted voted for that proposition.

Mr. ALLEN. Some were absent, and they did not dodge.

Mr. ALDRICH. The Senator can put his own construction upon it.

The last remark of the Senator from Nebraska emphasized the fact that we have a Democratic party, judging by its vote in this Chamber, solidly in favor of removing the tax from the State banks and opening the door to the issue of wild-cat currency without limit, and another branch of the party—or shall I say another party?

Mr. ALLEN. That is right.

Mr. ALDRICH. Another party that is in alliance with the Democratic party, supporting the same candidate, and, so far as I have been able to discover heretofore, supporting the same policy, opposed to the issue of money by any bank under any circumstances—I am quite willing to allow Senators on the other side of the Chamber to reconcile these differences if they can, and would suggest that until this is done they should suspend their criticisms upon the Republican policy in reference to bank circulation.

Mr. FAIRBANKS. Will the Senator yield to me for a moment? I desire to call the attention of our friends on the opposite side of the Chamber to the fact that the vote to which the Senator from Rhode Island [Mr. ALDRICH] has alluded, in favor of repealing the 10 per cent tax upon State-bank issues, is entirely consistent with the policy and principles of the Democratic party. You will recollect that in 1892 that party distinctly declared in its national convention in favor of the repeal of the 10 per cent tax on State-bank issues, and that that declaration became one of the great issues of the Presidential campaign of that year.

Mr. ALLEN. If the Senator will permit me, I desire to say that since that time the Democratic majority in the House of Representatives defeated a bill of that kind; it has been denounced here by some Democrats, and it has never been regarded with sufficient favor here to be brought to a vote.

Mr. ALDRICH. It was brought to a vote in the Senate the other day.

Mr. ALLEN. It may have been. I do not know about that.

Mr. FAIRBANKS. The question arises whether the House Democrats are more consistent than the Senate Democrats.

Mr. ALLEN. Mr. President, I want to hold up both hands and say I am not responsible for the Democratic party. [Laughter.] Do not constantly throw at me what the Democratic party has done. They are able to care for themselves, I suppose, and the little party to which I am attached is amply able to care for itself.

I recognize the fact, Mr. President—with the permission of the Senator from Rhode Island, of course—that there are a great many thousands and hundreds of thousands of most excellent Democrats. When I say that I am not a member of the Democratic party, I do not mean to cast any reflections upon the Democratic party. I might cast a greater reflection upon that party if I joined it. [Laughter.] I mean simply to say, Mr. President—whether the Senator from Rhode Island [Mr. ALDRICH] or the Senator from Indiana [Mr. FAIRBANKS] innocently stumbled or not, I do not know—the distinction between the Democratic party and the Populist party is as marked and plain as the distinction between the sun and the moon.

Mr. SPOONER. What is the difference between them?

Mr. ALLEN. In the first place, the Democratic party, as I

understand, believe in the constant redeemability of all forms of paper money. I do not believe in that; and my party does not believe in it in the popular sense.

Mr. WOLCOTT. May I ask the Senator a question?

Mr. ALLEN. Wait a moment. Let me explain my statement, because sometimes people are apt to get caught on a half-expressed sentence and held responsible.

I do not believe it is necessary to redeem a limited volume of full legal-tender money in anything. I believe every time it is paid for a debt and every time it is exchanged for property it is redeemed in the full sense; and in that sense I believe in redeemability, and in no other. The Democratic party does not believe in that. I believe in Government ownership—not control simply, but Government ownership—of railroads, telegraphs, telephones, and all natural and exclusive monopolies. The Democratic party does not. There are several other things that I believe in and in which my party believe, in which the Democratic party do not believe.

Mr. WOLCOTT. May I ask the Senator for which branch of the Populist party he is speaking; whether he is speaking for the out-and-outers, the middle-of-the-rovers, or what?

Mr. ALLEN. I do not want to engage with the Senator from Colorado in any little bandying of words for the benefit of the galleries here.

Mr. WOLCOTT. I am sincere, and anxious to know.

Mr. ALLEN. I have no doubt of it; not the slightest. The Senator is always sincere.

Mr. President, there is no middle-of-the-roader or—what was the other expression?

Mr. WOLCOTT. "Out-and-outers," I think they are called in Nebraska.

Mr. ALLEN. There is nothing of that kind. There used to be what they called in the Republican party the "silk stocking" and the "burr tails." I do not know whether that distinction has been observed in recent years or not; but we have no distinction of that kind in our party. We have had, Mr. President—to answer the Senator from Colorado [Mr. WOLCOTT] candidly—a few Republican boodlers who had been sent by the Republican party, or were attempted to be sent, into our camp to destroy our organization; but, like St. Patrick with the snakes, we swept them all into the ocean the other day, and shall have no more trouble with them hereafter. [Laughter.]

Mr. ALDRICH. Mr. President, the next amendment is the proviso at the top of page 32, part of section 12.

Mr. TELLER. Before the Senator reads that, I want to ask him to explain to us why the greenback is limited to \$10 and upward, and what kind of a position the man will be in who holds a five-dollar bank note, which is redeemable only in a greenback of the denomination of \$5 or less? All the bank notes being redeemable in greenbacks, I would like to know how he is to get exchange. It seems to me if we have a five-dollar national bank note, we ought to have also a five-dollar national greenback with which to redeem it. But what I desire to know particularly is why the issue is to be limited to notes of the denomination of \$10 and above?

Mr. ALDRICH. It was the purpose of the Senate committee to give to silver certificates, so far as possible, the place in our currency which is occupied by all kinds of notes of small denominations; and the bill reported by the committee and adopted by the Senate did limit rigidly the notes of national banks, United States notes, and Treasury notes; in other words, all forms of paper money to denominations of \$10. The purpose was, as I have stated, to give this place to silver certificates and silver dollars. I have no doubt the Senator from Colorado sympathizes with that purpose; I presume he does. The only change made by the plan proposed is to allow national banks a limited issue of notes of \$5. At the present time I think it would allow the issue of about \$77,000,000 in five-dollar notes by national banks. I hope I have answered the Senator from Colorado.

Mr. TELLER. As the Senator has referred to me as having sympathized with the movement, I have no objection to the provision that confines the greenbacks as confined in this amendment. I think it is an improvement on the Senate bill as it passed. I think there ought to be some silver certificates of larger denominations. I am in full sympathy with any system that would give a larger amount of paper money, especially as we are not to have too much money of any kind, and we want all the small money we can get. I should like to know, since the conferees saw fit to change it as to the national-bank notes and give them a five-dollar note, why they could not at the same time have given the people a five-dollar greenback, a few, at least. There will be a great many people in this country who will never see a greenback when they are \$10 or above. I think it is a very good thing for the people to get familiar with their national money, and it is still better for them to handle it if they can.

Mr. ALDRICH. I suppose the Senator from Colorado is aware—I know he is, of course—that the holder of a five-dollar note of one

of these small banks can take that note to the bank and get lawful money for it?

Mr. TELLER. What will he get?

Mr. ALDRICH. He will get silver dollars for it.

Mr. TELLER. The only thing he could get would be silver dollars?

Mr. ALDRICH. Yes, sir. He can get gold if he wants it, or he can get silver certificates if he wants them, because the bank will undoubtedly have these on hand.

Mr. TELLER. He can get gold if the bank is willing to pay him in gold. They are under no obligation to pay gold for silver.

Mr. ALDRICH. They have to pay lawful money, and if there is no other form—

Mr. TELLER. All they have to do is to redeem in greenbacks.

Mr. ALDRICH. If there are no greenbacks of the denomination of \$5, they certainly have to redeem in gold or silver, those being the only forms of lawful money available.

The provision to which I just alluded reads as follows:

That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the 2 per cent bonds issued under the provisions of this act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money.

The purpose of this is that the transfer of bonds may be made without a retirement of any part of the circulation of the national banks. My own impression is that it can be done under existing law, but in order to make it absolutely clear we have inserted this provision.

The next amendment reads:

And so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid, is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

That is to allow greater elasticity in the volume of national-bank circulation, and it takes away one of the needless restrictions imposed by the act of 1882.

The next and last amendment is a modification of the provisions of section 14. The modified section reads as follows:

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetalism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world—

Mr. BACON. I hope the Senator will read that so we can hear it. I beg pardon, but I could not hear him. I want to see whether the slender bridge has been made strong enough to enable the Republican bimetalists to cross over the chasm which separates them from the gold standard.

Mr. ALDRICH. I will try to read it in such a way as to secure the vote of the Senator from Georgia, if he is really in favor of bimetalism; of this, however, I have very grave doubts.

Mr. BACON. I am sincere in my convictions in respect of bimetalism, and I am not so easily deceived as some of the gentlemen who follow the lead of the Senator from Rhode Island.

Mr. ALDRICH. Not so easily deceived?

Mr. BACON. No, sir.

Mr. ALDRICH. I have not noticed any phase of this question on which the Senator was not easily deceived, from my standpoint.

Mr. BACON. According to the view of the Senator from Rhode Island.

Mr. ALDRICH. That is what I said—from my standpoint.

Mr. BACON. The Senator's standpoint is so erroneous that nothing can be judged from it.

Mr. ALDRICH. The Senator is now speaking from the standpoint of the Senator from Georgia.

Mr. BACON. We will have to let it go at that.

Mr. ALDRICH. The section reads as follows:

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetalism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

This amendment must be read in the light of the act approved March 3, 1897, which I think I had better read.

Mr. TELLER. What year?

Mr. ALDRICH. March 3, 1897. That act reads as follows:

That whenever after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference.

This act is in full force and effect; this is conceded, as I understand, on all sides and by every Senator. The position here taken by the United States and that held by the Republican party is that no bimetalism is possible except by the concurrent action of

the leading commercial nations of the world and at a ratio that will secure a fixity of value to silver and gold. The section which I have read is, in the light of the act of 1897, a declaration on the part of the United States that whenever it is expedient and practicable, or, in other words, is possible, to secure international bimetalism in this way the United States is still willing to join in the attempt to secure it.

Mr. BACON. I understand then—

Mr. ALDRICH. Will the Senator let me go on for a few minutes?

Mr. BACON. Certainly.

Mr. ALDRICH. However, I yield to the Senator.

Mr. BACON. I simply wanted to ask, for my information, whether I should understand from that statement that the Senator from Rhode Island personally thought it would be desirable, if it could be accomplished, that we should have bimetalism?

Mr. ALDRICH. I have said that many times in the hearing of the Senate, I think—accomplished, of course, under the conditions I have named.

Mr. BACON. Very well.

Mr. ALDRICH. I have said that if it could be obtained under the conditions which are named in the act of 1897 and in the fourteenth section of this bill, I do think it desirable.

Mr. BACON. Will the Senator please state if he thinks it is desirable, from the fact that he thinks the gold standard is not desirable, if we could have bimetalism?

Mr. ALDRICH. That is begging the question entirely.

Mr. BACON. No, I think not.

Mr. ALDRICH. I think it is desirable, eminently desirable, that the United States should say to the nations of the world, "We are upon a gold standard, and we intend to remain solidly upon a gold standard until you are ready to join with us in such an agreement as will beyond question fix the relative value of these two metals." That is the position of the Republican party and, so far as I know, of every member of it.

Mr. BACON. As I understand the Senator, then, he does not think the gold standard is the best standard for this country?

Mr. ALDRICH. I have not said anything of the kind, and I do say emphatically that it is the best standard for this country until some other arrangement can be made in the direction I have indicated.

Mr. BACON. But I do not want the qualification. I want to know—

Mr. ALDRICH. The Senator has to take the qualification if he wants my judgment instead of his.

Mr. BACON. I want to put the question, and if I can get a direct answer from the Senator I shall be glad. I want to know whether the Senator considers that the gold standard is the best standard that can be had, regardless of qualifications and conditions, or whether he thinks there is a standard better than the gold standard.

Mr. ALDRICH. I repeat, that in the absence of international bimetalism, which is not now attainable, that is, under existing conditions, the gold standard is undoubtedly the best standard for this country. Now let me ask the Senator a question. Is he in favor of the silver standard?

Mr. BACON. I am not.

Mr. ALDRICH. What is the Senator in favor of?

Mr. BACON. I have stated repeatedly in the Senate that I am in favor of the free coinage of silver, because I believe that with the free coinage of silver there could be maintained the parity between gold and silver. The Senator can not find any utterance of mine in the Senate which is in conflict with that proposition.

Mr. ALDRICH. That is a question of judgment.

Mr. BACON. Of course.

Mr. ALDRICH. And it is a question of judgment about which no one agrees with the Senator from Georgia outside of his political associates.

Mr. BACON. I do not understand the Senator.

Mr. ALDRICH. I say that his judgment in that matter is concurred in by no one outside of his own political associates. I include, of course, the Senator from Colorado [Mr. TELLER] as one of his associates.

Mr. BACON. What I desire to state, in order that I may elicit an expression from the Senator from Rhode Island, is that, in my opinion, the best standard, without any qualification, is the bimetallic standard. Now, I desire to know whether the Senator will with equal frankness and definiteness state that he regards the gold standard as the best standard?

Mr. ALDRICH. I have already stated to the Senator three times my position. I am in favor, and the people of this country are in favor, of maintaining definitely and distinctly the gold standard. If at any time in the future it should be possible under the conditions named, and by the concurrent action of all the commercial nations, to secure international bimetalism at a ratio which will insure permanence of relative value to silver and gold, I am for it.

Mr. BACON. Then I understand the Senator to say that he regards the gold standard as so defective that if he can secure the bimetallic standard he prefers it to the gold standard?

Mr. ALDRICH. I have not said anything which the Senator with all his ingenuity can possibly construe to mean that.

Mr. BACON. I will ask the Senator the question in another shape, with his permission.

Mr. ALDRICH. Very well.

Mr. BACON. If the Senator can have conditions as he wishes them, does he prefer the single gold standard or the bimetallic standard?

Mr. ALDRICH. That is a purely academic question which has no relation whatever to existing conditions or what we are doing here.

Mr. BACON. Mr. President, I will not press the Senator any further.

Mr. ALDRICH. I will say frankly to the Senator that under conditions as they exist now I see no immediate prospect of securing international bimetalism.

Mr. BACON. Does the Senator desire it?

Mr. ALDRICH. I do. I have said so—

Mr. BACON. If the Senator desires it—

Mr. ALDRICH. Permit me to conclude the sentence. Under the conditions I have stated.

Mr. BACON. Under conditions which would be satisfactory to him, he prefers the bimetallic standard to the gold standard. Does the Senator say that?

Mr. ALDRICH. I will answer the question in my own way. I will answer it in my own language and not in that of the Senator from Georgia. I say that under existing conditions, and until international bimetalism can be secured under the conditions and in the manner I have stated, I am in favor of maintaining the gold standard. Our party says the same thing, and it said the same thing in 1896.

The Senator from Georgia says he is in favor of the free coinage of silver. I say, and the experience of the world shows, although I do not care to enter upon that discussion now, that the free coinage of silver means the silver standard, and can mean nothing else. It means national disgrace, it means repudiation, and can mean nothing else; and I believe, without imputing any motive to the Senator from Georgia, when he is in favor of the free coinage of silver under existing conditions, that he is in favor of a proposition which will bring disgrace upon the people of the United States. That is my judgment.

Mr. BACON. I have got a very full expression from the Senator from Rhode Island—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Rhode Island yield further to the Senator from Georgia?

Mr. ALDRICH. No; I think I will have to go on with my explanation.

Mr. BACON. Pardon me for one sentence.

Mr. ALDRICH. Certainly.

Mr. BACON. I have got from the Senator from Rhode Island a very full expression of what he thinks is my position, but it has been impossible for me to elicit from him a frank answer as to what his position is.

Mr. ALDRICH. I will submit to the Senate that if that is true it is owing to the want of comprehension on the part of the Senator from Georgia.

Mr. BACON. Oh, yes, of course; I am very frank to confess that.

Mr. CHILTON. Will the Senator allow me to ask him a practical question?

Mr. ALDRICH. Certainly.

Mr. CHILTON. What does the Senator understand to be the difference between the phraseology used in the conference report and that in the Senate bill on the subject of international bimetalism?

Mr. ALDRICH. Two Senators ask me questions at the same time. I will try to answer both. The Senator from Colorado [Mr. TELLER] asks me from his seat what is the difference and which is the stronger. If he means which is the stronger for international bimetalism, I will say I think the conference report; that in my judgment the report of the conferees is nearer a declaration in favor of international bimetalism than the provision which was inserted in the Senate bill, and I will try to give my reasons for it.

The first section of the act of 1897 provides:

That whenever * * * the President of the United States, etc.

That is a continuing power until it is repealed by legislation.

When is the President likely to determine that delegates should be appointed under the provisions of that act? Whenever it is expedient or practicable in order to secure the result desired. No President could exercise that power or would presume to exercise it if it was both inexpedient and impracticable to secure the accomplishment of the purpose of the act.

My understanding of the provision is that whenever the commercial nations of the world shall suggest to the President of the United States "We are ready to join you in diplomatic negotiations looking to the establishment of international bimetalism, in accordance with these terms and conditions," and he feels that it is practicable and expedient to secure that result, he is bound then, under the act of 1897, to accede to the request. The section which I have just read, section 14, of the conference report, says in effect that nothing contained in this act shall be construed to repeal the act of 1897.

I do not feel at this moment that it is either expedient or practicable for the United States to send an invitation to the other commercial nations of the world asking for a conference upon the question of international bimetalism with any hope of success. While this is undoubtedly true, who knows how soon it may be otherwise? Who can tell what may be the result in the next twenty-five years of the constantly increasing production of gold? Who can say that twenty years from now, or ten years even, the United States may not be anxious to secure an international agreement? Whenever there is a concurrence of judgment between the President of the United States and the representatives of other commercial nations that an attempt is expedient and practicable, then by the terms of this section it should be undertaken.

Mr. TELLER. The fourteenth section?

Mr. ALDRICH. The fourteenth section.

Mr. STEWART. Will the Senator allow me to ask him one question? In your opinion, would the Government of the United States be at liberty to pay the bonded debt in silver equally with gold after having passed this law, which says in terms that the public debt is payable in gold? Would it be at liberty to change it and pay in silver?

Mr. ALDRICH. If they were interchangeable, there would be no practicable difference, but a contract payable in gold would not be vitiated by any agreement on the part of the Government of the United States. A contract of the United States payable specifically in gold would have to be paid in gold, as would a railroad bond or an obligation of the Senator from Nevada, supposing he has any outstanding, payable in gold.

Mr. STEWART. Suppose the creditor had a preference to be paid in gold?

Mr. ALDRICH. He would be paid in gold.

Mr. STEWART. The United States Government would have to pay in gold?

Mr. ALDRICH. It would have to under the contract. There is no doubt about that. I think the Senator from Nevada will agree with me on that subject.

Mr. STEWART. That does not make any difference. I want your opinion.

Mr. ALDRICH. I ask your opinion. You are a lawyer. I ask you what you think.

Mr. STEWART. I am clearly of the opinion that if it is intended to obtain an international agreement, the fact that our obligations are payable in gold will be used as an argument against an international agreement.

Mr. ALDRICH. If I contract to pay the Senator from Nevada in gold, and he insists upon the fulfillment of the contract, I would certainly be bound to carry it out, even after an international agreement.

Mr. STEWART. Will the Senator pledge his party not to use this bill as an argument against an international agreement?

Mr. ALDRICH. We make that declaration in every line and word of the fourteenth section.

Mr. STEWART. You have not got in there a pledge that you will not use it against an international agreement.

Mr. ALDRICH. This is a pledge which is vastly more important than the pledge of any party or of any man. It is the pledge of the Government of the United States solemnly entered into by law.

Mr. STEWART. Can you change contracts after you make them?

Mr. ALDRICH. No, sir; you can not change a contract after it is made. The United States, I venture to say, never has undertaken to do that and never will.

Mr. STEWART. If there is any movement for international agreement, you people will use this bill as an argument against it.

Mr. ALDRICH. I do not think the Senator is justified in making that remark.

Mr. STEWART. I think I can guess.

Mr. ALDRICH. That is a matter of opinion.

Mr. SPOONER. If this bill will have any moral effect as standing in the way of an international agreement, it will be because of what the Senator from Nevada has said and not what has been said by any of its supporters.

Mr. ALDRICH. There has been no word of discredit to an international agreement or in regard to international bimetalism uttered by a single Republican Senator upon this question. The

discredit, if it comes at all, comes entirely from the Senator from Nevada and his associates, those more or less connected with him politically. After the statement made by the Senator from Nebraska I am not sure what that connection may be.

Mr. STEWART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield further to the Senator from Nevada?

Mr. ALDRICH. I do.

Mr. STEWART. I do not want to argue this question. Gentlemen have made prophecies. I prophesy that if this bill is passed the cry will be made immediately, if an international agreement is thought of, that our obligations are payable in gold and that we would be changing our obligations. It will be said that we are not in a position to have an international agreement. It will be used that way whether it is intended now or not. I want to be a prophet. I prophesy that you will all use it that way. I mean those of your way of thinking. Of course you gentlemen who are here will not, but there will be a good many of your kind who will.

Mr. ALDRICH. I will ask the Senator from Nevada a question. Does he think if this bill passes silver and gold will remain at a parity of value?

Mr. STEWART. A parity of value?

Mr. ALDRICH. Yes; in purchasing power and debt-paying power.

Mr. STEWART. I do not think any money will be at parity unless it is money. If you print money—

Mr. ALDRICH. The Senator does not answer my question. He understands it.

Mr. STEWART. The parity of value depends upon law.

Mr. ALDRICH. I am talking about this bill. I am not talking about anything else. Suppose this bill becomes a law. Does the Senator think that next Monday or a week from next Monday or two weeks from next Monday a silver dollar will not have the same purchasing power as a gold dollar?

Mr. STEWART. No; it will not have, because your bill expressly provides that a large portion of the debt shall be paid in gold alone.

Mr. ALDRICH. If the Senator from Nevada twenty years ago made a contract with anybody for any purpose payable in gold, did he discredit silver? Did he take away the legal-tender quality of silver?

Mr. STEWART. Does the Senator contend that you may pay the bonded debt in silver after this bill passes? If you can, then the legal-tender power of silver is not taken away. If you can not pay the bonded debt with it, the legal-tender power to that extent is taken away.

Mr. ALDRICH. This bill provides that the new bonded debt of the United States only shall be paid in gold coin.

Mr. STEWART. Yes, sir.

Mr. ALDRICH. And the interest is payable in gold coin.

Mr. STEWART. Can you pay in silver under that?

Mr. ALDRICH. You can not pay in silver under that provision. That amounts to \$16,000,000 a year under this bill for that specific purpose. There are thousands of millions of dollars in bonds and obligations of various kinds payable in gold coin, and this bill does not affect them. It does not in the slightest degree affect the general debt-paying power of the silver dollar.

Mr. STEWART. Suppose you named all contracts?

Mr. ALDRICH. We do not name all contracts.

Mr. STEWART. You do not name them all?

Mr. ALDRICH. No, sir.

Mr. STEWART. You name a part of them. Would naming all of them destroy the legal-tender power of silver?

Mr. ALDRICH. Undoubtedly.

Mr. STEWART. Then naming a part of them will to that extent destroy it.

Mr. ALDRICH. Certainly; to that extent.

Mr. STEWART. So that the Senator is not accurate when he says that silver will be upon the same footing, because some of its legal-tender power is taken away.

Mr. ALDRICH. The payments named are infinitesimal in comparison with the great transactions of the country.

Mr. STEWART. I do not think the national debt is infinitesimal.

Mr. ALDRICH. In New England there are contracts outstanding made a hundred years ago, or perhaps less, which by their terms are payable in silver. Did that affect the legal-tender quality or destroy the legal-tender power of the gold dollar?

Mr. STEWART. To that extent.

Mr. ALDRICH. What does "that extent" amount to?

Mr. STEWART. If you take the national debt, it amounts to a good deal.

Mr. ALDRICH. It amounts to \$16,000,000 a year.

Mr. SPOONER. Then the Senator from Nevada means that in order to maintain the legal-tender quality of silver the liberty of contract must be taken away.

Mr. STEWART. The liberty of discrimination on the part of the United States must be taken away. Let me tell you. The greenback, as the measure was reported from the House Committee on Ways and Means, had full legal-tender power, and it paid all debts, public and private, except the national debt, interest, and customs dues. It was amended in the Senate so as to take away debt-paying power; so far as the interest on the public debt and customs dues were concerned. The greenback immediately fell very rapidly in the market. It was disgraced paper, because the Government would not receive it. The Government had discriminated against it by law. There never was a full legal-tender money of any kind, whether paper, or silver, or gold, issued by the Government where the Government did not dishonor it that was ever dishonored in the public estimation or that was ever below par as compared with any other money. There never was money issued by the Government which the Government recognized as full legal tender which was not at par with every other money. There have been a good many kinds of money issued. When the Government of the United States recognizes the full debt-paying power of money the people have recognized it, and the money never fell below par. Whenever you discriminate against it, then it has fallen.

Mr. WOLCOTT. How about Revolutionary money?

Mr. STEWART. Revolutionary money?

Mr. WOLCOTT. Yes.

Mr. STEWART. A great deal of that was promises to pay.

Mr. ALDRICH. No; it was legal-tender money under heavy penalties.

Mr. STEWART. Under heavy penalties.

Mr. ALDRICH. Still it went to pieces; it went out of sight.

Mr. ALLISON. It was worth a cent on the dollar.

Mr. CARTER. It paid 1 cent on the dollar.

Mr. STEWART. But there was a great deal of it not issued by our Government. It was counterfeited in Great Britain and sent over here by the bushel. It was not under the control of the Government. They counterfeited it, and it came over here by the cartload almost, and they did not know which was American money, besides the quantity was too great. That is the trouble. They could not protect it. It was largely counterfeited by the British. I take it from the formation of the Government down to the present time, and there has been no paper issued by the Government that was full legal tender that has not been at par with all other money.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. STEWART. Certainly.

Mr. BEVERIDGE. I wish to ask a question of the Senator from Nevada. The Senator from Nevada said that the reason why the Revolutionary money fell below par was because it was counterfeited by British and sent over here. I have read the books upon that subject pretty diligently, and I never heard that statement before. It is important if true. I therefore would like to ask the Senator where I can find something that may substantiate the statement?

Mr. STEWART. I have read it and remember it distinctly.

Mr. BEVERIDGE. Where?

Mr. STEWART. I can not name where, but it is found in the current history. I say that the great difficulty was in that respect. I will find it for the Senator.

Mr. BEVERIDGE. The Senator said that the reason why the paper fell was because it was counterfeited in great quantities by Great Britain, and that that was the reason why it fell below par, and not from any other cause.

Mr. STEWART. Oh, I admit that you might issue such a quantity that it would be depreciated, because the quantity affects the value. You might issue a less quantity of any kind of money and appreciate its value.

Mr. ALDRICH. Mr. President, I will occupy the floor but a very few minutes longer.

Mr. CULLOM. I only want to say that yesterday there was a unanimous-consent agreement to finally dispose of the Hawaiian bill, so called, to-day. I do not know whether all Senators know that that was the unanimous agreement. I merely desire to call attention to it, so that we may take up that bill as soon as possible.

Mr. STEWART. I want to say what I have to say.

Mr. WOLCOTT. Mr. President, I rise to a question of order. In view of the statement made by the Senator from Illinois, I think it is my duty to say that the Committee on Foreign Relations must ask to-day, for excellent reasons, for an executive session and that it will have to come during the day. I make this statement without, of course, any desire to do other than further the wishes and the bill of the Senator from Illinois. I hope that he is taking that fact into consideration.

Mr. CULLOM. Usually a unanimous-consent agreement to dispose of a bill means that the bill must be disposed of during the day, and I hope that the unanimous-consent agreement will be

adhered to. Of course I will be glad to accommodate the Senator from Colorado or anybody else.

Mr. ALDRICH. I will yield the floor as soon as I get through answering the questions which have been asked me.

Mr. STEWART. I wish to repeat what I said, without qualification, that the Government of the United States has never issued full legal-tender money that was not at all times at par. The Revolutionary money was first discredited here, as I read our history, by the large amount that was counterfeited. In the second place, it was because of the vast amount that was issued. You can issue an amount so that you will disparage it. In that way I admit that that can be done. A large amount was counterfeited, and the large amount issued in the Confederation destroyed its character as money. That was done. But all money in circulation during Revolutionary times was at par with any money issued.

Mr. BEVERIDGE. Will the Senator at some time give me his authority for the statement he has made?

Mr. STEWART. The credit of the Government was destroyed. No money can live longer than the Government. The law against murder does not survive the Government any more than the law making legal-tender money. The law lives until the Government repeals it or the Government dies. It does not have a life longer than that of the Government. The credit money died with the Confederation. It can not exist without law, and nothing else can exist without law. Law makes money, and nothing else. When the law-making power is gone, money is gone. Credit is one thing and money is another.

Mr. ALDRICH. Now, Mr. President, the Senator from Nevada, as a student, must know, I am sure, that the history of the world is full of instances where full legal-tender money issued without limitation and without regulation has depreciated and become valueless.

Mr. STEWART. In what case?

Mr. ALDRICH. Hundreds of cases.

Mr. STEWART. Name them.

Mr. ALDRICH. All over the world; in every country.

Mr. BEVERIDGE. In France.

Mr. ALDRICH. Yes; in France.

Mr. BEVERIDGE. In Argentina.

Mr. STEWART. When?

Mr. ALDRICH. I can not stop now to discuss instances.

The PRESIDING OFFICER. The Chair will call—

Mr. STEWART. No, sir; you can not name one.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Nevada to the rule, that the Senator occupying the floor can not be interrupted without his consent obtained through the Chair.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. ALDRICH. Certainly.

Mr. TELLER. I wish to ask the Senator—what I suppose is to be presumed from the fact that the conferees amended section 14—whether there was a difference of opinion in the conference as to what the section should be, and if the House—

Mr. ALDRICH. It would be fair to infer from the fact that it was amended—

Mr. TELLER. I wish to ask if the House conferees were not decidedly in favor of striking out the whole of it?

Mr. HOAR. Of what section?

Mr. TELLER. Section 14, about international bimetallicism.

Mr. ALDRICH. I do not feel justified in stating what the House conferees desired. What they have agreed to is here for our consideration, and I hardly think it proper that I should state what they advocated in the conference.

Mr. TELLER. I would not have asked the Senator the question, but he has been stating something about the disagreement they had in conference. I think it likely he has stated properly the rule as to what should be the relations between the conferees in a case of this kind.

Mr. ALDRICH. I would be glad to answer any other question.

Mr. TELLER. When I come to discuss this matter, I shall take the liberty of discussing it upon the theory, of course, that there was a disagreement between the conferees and that certainly the Senate conferees could not have found fault with their own amendment.

Mr. CHILTON. Will the Senator from Rhode Island permit a question? I happened to be detained. As I understand the refunding section of the conference report, it is the same as the refunding section adopted by the Senate.

Mr. ALDRICH. Precisely.

Mr. CHILTON. Now, are there any bonds of the United States which are left out of this privilege of refunding?

Mr. ALDRICH. The fours of 1925.

Mr. CHILTON. Why are they left out? What is the theory upon which those bonds are left out of the refunding law?

Mr. ALDRICH. The theory upon which they were originally left out was that they had a long time to run, and that the amount required to pay for the reduction of interest would amount to a very large sum—a much larger sum than the committee thought desirable to take from the Treasury for that purpose at the present time.

Mr. McLAURIN and Mr. BUTLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. BUTLER. Will the Senator from South Carolina allow me?

Mr. CULLOM. Will the Senator from South Carolina permit me to say a word?

Mr. BUTLER. I wish to ask the chairman of the Finance Committee, if he will pardon me, a question before he concludes.

Mr. CULLOM. I supposed the Senator—

Mr. BUTLER. Will the Senator from South Carolina yield to me? I understood the Senator from Rhode Island to admit a few moments ago, and I want to know if that is correct, that the passage of this bill would make the securing of international bimetallicism more difficult?

Mr. ALDRICH. No, sir; I said directly the opposite; at least I intended to do so.

Mr. BUTLER. Are not our contracts now payable in gold and silver?

Mr. ALDRICH. What contracts does the Senator refer to?

Mr. BUTLER. Our Government contracts. Our bonds are payable, the public debt is payable, in gold and silver?

Mr. ALDRICH. Certainly, the bonds issued under the act of 1870 are payable in coin.

Mr. BUTLER. Well, that is gold and silver. Then the Senator says that we change that contract now in this bill.

Mr. ALDRICH. I did not; if the Senator will pardon me.

Mr. BUTLER. He said that this bill changed that contract?

Mr. ALDRICH. Not at all.

Mr. BUTLER. Does not this bill make the contracts payable in gold?

Mr. ALDRICH. Not at all.

Mr. CULLOM. I hope the Senator from North Carolina will not continue the discussion.

Mr. BUTLER. The Senator said that was the effect of the bill.

Mr. ALDRICH. The Senator is again mistaken.

Mr. BUTLER. It is the effect, is it not?

Mr. ALDRICH. No, sir.

Mr. BUTLER. Well, the Senator admitted that these contracts would be payable in gold, and he said after this bill was adopted, if we had an international agreement, these contracts would still have to be payable in gold, and could not be paid in coin.

Mr. ALDRICH. The Senator is now referring to another matter. There are certain bonds provided for in this bill that are payable in gold coin, but that has no reference to existing contracts. There is no change in existing contracts at all.

Mr. BUTLER. The Senator admitted that after this report was adopted those bonds could not be paid in coin even if we had a bimetallic agreement.

Mr. ALDRICH. The Senator misunderstood me, I could not have said so as there is nothing in the bill of that kind, and it can not have that effect.

Mr. BUTLER. Then on to-morrow I will read the Senator's remarks in the RECORD and make the observation I intended to make.

Mr. McLAURIN rose.

Mr. CULLOM. I desire to state again that the unanimous consent agreement yesterday was that the Hawaiian bill should be disposed of to-day. The Senator from South Carolina has given notice, as I understand, that he would address the Senate to-day. I dislike very much to even ask that he be interrupted, and if the Senate will stay here until the Hawaiian bill is finished, I should like to allow the Senator to go on, as he gave notice of his speech and has stated that it is very important to him that he shall have an opportunity of speaking to-day.

Mr. McLAURIN. I expect to leave the city to-morrow.

Mr. CULLOM. I think the probabilities are that we shall get through with the bill by working a little late, even though the Senator now makes his speech, and I do not care to ask to interfere with him.

Mr. McLAURIN. I am very much obliged to the Senator from Illinois.

Mr. HOAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. McLAURIN. Certainly.

SENATOR FROM PENNSYLVANIA.

Mr. HOAR. Mr. President, at the request of the Senator from Pennsylvania [Mr. PENROSE] and other Senators, I should like to take the floor on the Pennsylvania election case and then ask that

it may stand over until to-morrow immediately after the morning business.

Mr. ALDRICH. I have already given notice that I shall call up the financial bill to-morrow after the morning business.

Mr. HOAR. It is understood that it shall not displace or interfere with the conference report. That can be so understood.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Massachusetts?

Mr. BACON. Mr. President—

Mr. BURROWS. I want to call the attention of the Senator from Massachusetts to the fact that the Senator from Georgia [Mr. CLAY] has given notice that after the routine business to-morrow morning he would address the Senate. I did not know but that that had escaped the attention of the Senator from Massachusetts.

Mr. HOAR. Yes, but I will yield for any such notice. I want to take the floor, and I will recognize the parliamentary condition, whatever it is.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none. The Senator from South Carolina is recognized.

THE PHILIPPINE ISLANDS.

Mr. McLAURIN. Mr. President, there is in the history of nations, as in that of individuals, one supreme crisis in which is determined their destiny. I believe that such a crisis now confronts us, and that upon the manner in which we meet its responsibilities and opportunities depends our future national glory and the influence and perpetuity of our republican institutions. After an existence of one hundred years we have demonstrated not only the excellencies of a representative constitutional government, but also its capacity to withstand its inherent antagonistic forces.

We have acquired and developed a vast domain on this continent. We have attained achievements in art, science, and industrial life which have made this country the marvel of the age. We have opened up a continent as an asylum to the liberty-loving and oppressed of all lands. Our people have been a God-loving and a God-fearing people. Our civilization has been par excellence a Christian civilization. Our flag is the emblem not only of human freedom, but of religious liberty. Its influence is felt everywhere. In the natural evolution of the nation, the time and the necessity for a wider sphere of action are upon us. It has become the fashion in some circles with some men to sneer at the idea of a Providence guiding the destinies of nations and individuals. He who wisely reads can not fail to see God in history. I believe that the struggle of the thirteen colonies and the achievement of their independence was as much the work of an overruling God as was the escape of the Israelites from Egypt. Who can doubt now that the result of the civil war and the abolition of slavery was a divine interposition?

As a result of our war with Spain we have been cut loose from this hemisphere, and our flag, with all that it represents, now floats over another continent. This, indeed, presents a crisis, a supreme crisis, in our history as a nation.

In the discussion of the Philippine question there has been manifested a disposition to ignore the conditions by which we are confronted and to project the debate upon a line of political sentimentalism. This mode of discussion is not only unpatriotic, but is an evasion of the true issue. This is not a political question. It is not and should not be made an issue between the great national parties. It is a question higher and broader than mere party policy, and should not be determined by partisan judgment merely to secure party advantage or success. It is a question of national duty and of what will best conserve our interest as a people.

A representative should look at the question in this light, unblinded by party prejudice and uninfluenced by considerations of self-interest.

There is, however, a studied effort being made to make this question a party issue. Some of the recognized leaders of the Democratic party proclaim anti-expansion as one of its policies, thus seeking to make it a purely political issue. In my humble judgment this is a mistake. It is a view entirely opposed to the history of our country and the principles and practice of Democracy for three-quarters of a century. The first great expansion of this country was the Louisiana purchase of 1,122,000 square miles, by Thomas Jefferson. The acquisition of Florida, in 1819, was made by another Democrat, Mr. Monroe. The annexation of Texas, in 1845, and of California, New Mexico, Arizona, and Nevada, in 1848, was effected by another Democrat, James K. Polk.

Andrew Jackson said, in reference to the acquisition of Texas:

On this subject I have thought with the ancient Roman, that it was right never to cede any land or boundary of the Republic, but always to add to it by honorable treaty, thus extending the area of freedom.

Stephen A. Douglas, speaking of the acquisition of Cuba, said:

I am in favor of expansion as fast as consistent with our interests and the increase and development of our population and resources. If that principle

prevails we have a future before us more glorious than any other people that ever existed. Our Republic will endure for thousands of years. Progress will be the law of its destiny. The more degrees of longitude and latitude embraced beneath our Constitution the better. I believe the interests of commerce and civilization, and of every interest which civilized nations hold dear, would be benefited by expansion.

It will thus be seen that it was under Democratic Administrations that the area of the United States, which was 827,000 square miles in 1798, has been increased to 3,800,000 square miles, and that the leaders of Democracy in the last century have been the authors and promoters of all the imperialism that there is in the practice of the Government to-day. Another pertinent fact in connection with this acquisition of territory is that in the annexation to the United States by treaty of Louisiana, Florida, California, New Mexico, and Arizona the consent of their inhabitants was not obtained nor even sought. In the purchase of the Hawaiian Islands no such consent was given. Puerto Rico has been ceded to the United States by Spain without the consent of its inhabitants.

In the discussion of the Philippine question we hear indignant protests that we acquired the archipelago and are holding it and intend to govern the people without their consent. No protests have come from the inhabitants except a part of one tribe headed by Aguinaldo. And yet with the knowledge that our title to Luzon is better than the title we had to Louisiana, and rests upon a more just foundation than our title to Texas, Senators talk about the "criminal aggression of the United States" and a violation of the Declaration of Independence in attempting to suppress insurrection and assert her sovereignty.

What is the actual situation there to-day? In the Philippines, acquired in the same way and as rightfully subject to the sovereignty of the United States as Puerto Rico and Cuba, some portion of the people have refused to recognize this sovereignty. It is not the Philippine nation who have set up the standard of rebellion and defy the authority of the United States. We are opposed by a part of the tribe of the Tagalos, who inhabit less than one-half of the island of Luzon. There are hundreds of other islands, whose peoples speak more than sixty different languages, who are ready to accept American sovereignty. I have no doubt that men of property and intelligence are anxious for us to protect them and their industries. Yet, in the face of these facts, it is stated and reiterated upon this floor that the peoples of the archipelago are in rebellion, contending for liberty and independence. It is also contended that the United States is the aggressor and responsible for this war.

I deny that proposition. It is inconsistent with our record as a nation. Who can believe that the United States, with her traditions, her history, and her achievements, would seek in shame and dishonor to oppress any people and sacrifice the lives of her citizens in such an unholy cause. Those who thus attempt to besmirch her fair name proclaim to the world that we are living and practicing a lie in our republican institutions. I do not propose to attempt an analysis of all the conflicting facts compiled in reports, correspondence, and military orders. I am content to say that I do not believe that Admiral Dewey, with his cool head and love of fair dealing, would have countenanced any effort on the part of our military commanders, or even of the President, to embroil us in a conflict with the Tagalos. On the contrary, I believe that he and the other officers exhausted all means of negotiations to avert a conflict.

I do not believe the war was provoked or premeditated by the representatives of the United States, but was the consummation of a plan of the wily Aguinaldo to bully the United States into an arrangement to satisfy his personal ambition. The firing of a gun on the picket line and the killing of a Tagalo was a fortuitous incident. It was no justification for a rebellion, but was seized upon as a pretext to give a semblance of right in fomenting an insurrection. Without the firing of the gun, some other incident would have been the subterfuge. But it is contended that the United States made promises of self-government. As to that I have no doubt that these islands will be given the best government they have ever had and the largest measure of self-government of which they are capable.

I do not believe that it was ever the intention of the President or anyone with authority to speak for the United States to commit us to any definite action in dealing with these people with reference to their future government. No one was invested with such authority, for under the treaty with Spain and under our Constitution Congress alone has the power to fix the civil and political status of the inhabitants of acquired territory. Before the treaty of peace was ratified, and before Congress had the opportunity to declare its purpose, there was open rebellion against the authority of the United States. It is true that the authority of the President was supreme until there was legislation, but in the exercise of his power all he could rightfully do was to be guided by the treaty with Spain, and to hold the islands and assert the sovereignty of the United States over them.

At the time Dewey sailed into Manila Bay very little was known in the United States about the archipelago or its people. It is

now generally understood that since the destruction of Spanish rule there is no such thing as national life or government in the islands. There are sixty different tribes, with rude ideas of governmental affairs, and the withdrawal of our forces means anarchy and confusion, with the sure interposition of some other foreign power. In my judgment it is not only the right, but the duty of the United States, after destroying the only government they had, to establish some other which will insure peace, order, and protection to life and property.

This, I believe, is the purpose of the President, and so long as I do so believe he will receive my hearty support in this Chamber. We assured the Cubans that they would be allowed to set up a government for themselves, but this assurance did not pledge us to do so at once, irrespective of existing conditions in the islands and the ability of the people to form and maintain a government. So it is with the Filipinos. We are not pledged to give them self-government at once, but only when they are able to maintain a new order of things in place of the old. We went to those islands and released their people from the oppression of Spanish rule, and before we had an opportunity to declare our purpose they turned the guns which we had furnished them upon us and began to shoot down American citizens. If this did not release us from all obligations, it at least gives justification for such delay as we think proper. I deem it useless to discuss at length the question of our right to sovereignty in the Philippines.

I desire in this connection to call attention to the report of the commission. At a conference with the representatives of Aguinaldo the statement was made that they were not fighting for sovereignty.

Speaking of the matter of independence, the commission pointed out that by the ninth article of the treaty of Paris it was provided that the civil rights and political status of the native inhabitants were to be determined by Congress. They were told that, after a careful consideration and study, it was the opinion of the commission that the Philippine people were not capable of independent self-government, and that independence, for which some of them said they were fighting, was, in the opinion of the commission, an ideal at present impossible, not only because of their unfitness for it, but because of their inability to preserve it among the nations even if it were granted. Arguelles said they were beginning to realize this fact; that, moreover, no nation had been willing to recognize them as independent or as belligerent; and thereupon he stated that he was authorized to say, on behalf of Aguinaldo, that they were not fighting for the sovereignty of the islands, but for the honor of the army. Being asked, "You accept, then, the sovereignty of the United States?" he replied, "Yes; we do." Being asked if he was duly authorized to make that statement also, he replied that he was.

Senators have asserted in this Chamber that we have only a color of claim, but no title to them. It is conceded under the decisions of the Supreme Court that the United States has the right to acquire territory by conquest as an incident to the war-making power. I know that it is contended by some that it does not follow because foreign territory can be acquired by conquest in war that it may also be acquired under the treaty-making power by purchase. This contention, however, seems to have been set at rest by the acquisition of Louisiana, Florida, California, New Mexico, Utah, Arizona, and Alaska. This right has never been questioned until the acquisition of the Philippines.

What did the treaty with Spain cede to the United States? I affirm that it ceded all of her rights of sovereignty over the Philippines. This is the compact. And by sovereignty I mean the power to regulate the civil and political status of the inhabitants. The ninth article is as follows:

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.

But it is contended that Spain, at the time the treaty was made, did not exercise sovereignty over the island, and therefore could not cede it to us; that to make the cession valid she must have been able to put us in possession of the territory. This contention, in my opinion, is not sustained by the facts. Spain had the possession and sovereignty of the Philippines for three hundred years. Spasmodic insurrections had occurred from time to time, but they had been suppressed. The same class of brigands now headed by Aguinaldo had disputed her authority. Just prior to our war with Spain there had been one of these local insurrectionary movements, but Aguinaldo and other leaders had been paid a large sum of money to leave the islands, and the rebellion thus ended. At the time that the treaty was made, Spain, by all the rules of international law, possessed sovereignty over the islands.

Sovereignty was ceded to the United States by Spain, and we have the right to exercise that sovereignty in such a manner as to make it effective. It is the right and duty of this Government to suppress the insurrection in Luzon. The President, in the exercise of the constitutional power given him, has been engaged for months in suppressing this rebellion. That the war was waged for any other purpose can not be successfully shown. It is shameful to charge that the President of this Republic inaugurated and continued the war for any other purpose; that he has prostituted his constitutional power and flagrantly disregarded his oath of office. The American people have the facts before them, and Senators, for political purposes, need not undertake to dignify a

local insurrectionary movement into a national struggle for independence by comparison to the struggles in Scotland, Poland, and Holland. It is even compared with our struggle against England.

The difference between Aguinaldo and Washington is the difference between a local insurrectionary movement in a people accustomed to tribal government and inspired by barbaric instincts and a homogeneous, united people, trained to self-government and inspired by a determination to be free or die. Such an argument is intended to confuse and deceive, by arousing opposition to the expansion of American thought, civilization, and commerce. We can not afford to retire from the Philippine Islands while our authority is disputed, and I believe with the insurrection quelled that our country and the people of the Philippines will find the connection mutually advantageous. I have no doubt that in the course of a few years the strongest objection to the withdrawal of our flag would come from the islanders themselves.

The United States during the past century has been content to move in an orbit of limited action and possibilities. The great experiment of constitutional representative government has been on trial before the world. Caution and conservatism have marked our course as a nation. There has been no intermeddling in the affairs of other nations. Our aim has been the acquisition and development of America. There has been no necessity before in this development to acquire foreign territory. The enlargement of our foreign trade and commerce has been subsidiary to the industrial development of a continent which afforded an arena sufficient for all of our efforts. The time has now come when the development of our resources and population render it important that we should have world-wide avenues of trade. I believe the American people draw the distinction between expansion and imperialism. I believe that they are no longer content to move in a limited sphere on this continent, and that when they have the chance to express themselves at the ballot box it will be to take us into that wider circle in which move the civilizing powers of the world.

I believe the advent of the United States in the Orient is the hand of Providence directing and guiding us to our destiny. The suppression of the insurrection there and the uplifting, civilizing, and Christianizing the semibarbarous peoples of the islands is the work to which we are called. We can not afford to retreat, and present the spectacle to the world of a nation failing to rise to the heights of its national obligations. But the grave question is, What are we to do with them?

We must either hold them or withdraw and leave them to the 60 different tribes who inhabit them. They are ours and we could sell them; but I have heard no one advocate a policy which would be contrary to decency and which would brand us with the stigma of avarice and cowardice. We can not at this time turn them over to the native inhabitants. It is a patent fact that they are incapable of much besides a tribal government. They belong to an inferior race, and I for one do not accept the dogma of the equality of races, nor do I believe that all men are born free and equal. Life in the South is a daily contradiction of both. The Malay race is inferior to the white races. They have made some advance in civilization and are capable of much more, but the Filipinos are not a nation, but an aggregation of different races. Some are civilized, many half-civilized, and many barbarous.

None have a practical knowledge of the ballot, or of township and precinct government, by which the will of the people is ascertained. They have been accustomed to a military despotism, and to leave them to themselves, without the knowledge of even the elementary principles of self-government, is to invite anarchy.

Ever since the establishment of our Government we have had problems presented for solution such as no other nation has had. We can not be judged or limited by what other nations have undertaken. We have tided over crises and solved problems which would have foundered any other government. I think a close study of conditions in the South since the civil war will perhaps furnish the key to many problems of government in the Philippine Islands. I am satisfied of one thing. Before the government of these island dependencies is finally settled it will more than justify the course of the South on the negro question, and settle forever the race problem of this country.

Thirty years of evolution and experience have resulted in the adoption of constitutions in most of the Southern States, which, while denying no citizen life, liberty, and the pursuit of happiness, throw such safeguards around the ballot box as to insure in governmental affairs the permanent and undisputed control of property and intelligence. The experiment in the South is an object lesson from which much may be learned in establishing governments in these islands. We can assist them to establish a government, and teach them how to maintain it by proper restrictions upon the right of suffrage.

In our war with Spain, we have destroyed their government, such as it was, and the national duty rests upon us to establish another government which will insure peace to the islands and prevent tyranny, bloodshed, and oppression. To fail in this duty

and abandon the islands to the inexperience and internal disorders of the native population would be a national shame and disgrace.

One of the stereotyped objections to holding the Philippines is that it means the adoption of a colonial policy, involving large armies, etc. This does not necessarily follow. Territorial and commercial expansion in our past history have not meant imperialism, nor need they do so in the future. That matter is in our own hands; it is for us to determine, and I believe that with a little less politics and more patience and patriotism a beneficent and effective mode of government can be devised.

Section 3, Article IV, of the Constitution confers upon Congress the power to legislate for Territories in the following words:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The ninth article of the treaty with Spain leaves it to Congress to fix the civil rights and political status of the native inhabitants of the Philippines. There is a controversy as to the extent to which this power can be exercised by Congress. Some insist that it is supreme, while others contend that restrictions are placed upon it by the Constitution and Declaration of Independence. Strict constructionists affirm that the Constitution does not provide for the acquisition of territory for any other purpose than the erection of it into States.

When this question was suddenly sprung upon Congress, guided by a hasty judgment, without much investigation or study, I thought this to be the correct view. After more thorough study and hearing the arguments on both sides, I am now inclined to the opinion expressed by the junior Senator from Vermont, that the Constitution does not proprio vigore extend its principles and guaranties to territory acquired by the United States, and that the only limitations upon the power of Congress are those imposed by treaties for its cession and the duty of exercising a wise discretion. It seems that territory only becomes an integral part of the Union when it becomes a State. In *New Orleans vs. Winter* (1 Wheaton, 91) the Supreme Court said:

No Territory is a State in the sense of the Constitution.

It is rather a remarkable fact that the government of Territories is nowhere provided for in the Constitution except in the third section of the fourth article. Gouverneur Morris, who framed this clause in the section, said afterwards:

I always thought when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In writing the third section of the fourth article of the Constitution I went as far as circumstances would permit to establish this exclusion.

It is clear, therefore, that Congress in legislating for Territories is not subject to any expressed limitations in the Constitution, and according to Gouverneur Morris's opinion the implied restrictions are to the contrary.

Mr. Calhoun was the author of the dogma that the Constitution, ipso facto and instantaneously, was transported in its attributes into all acquired territory, and his purpose was the extension of slavery into such territory. The decision of the Supreme Court of the United States in the *Dred Scott* case was based upon this theory. Mr. Jefferson was opposed to this theory, for he said, in reference to the Louisiana purchase:

This territory was purchased by the United States in their confederate capacity, and may be disposed of by them at pleasure. It is in the nature of a colony whose commerce may be regulated without any reference to the Constitution.

Mr. Webster, in the case of the *American Insurance Company vs. Canter* (1 Peters, 511), insisted in his argument upon the view that the sovereignty of the United States may be extended over territory for other purposes than for the erection of States. In discussing the condition of the Territory of Florida, he said:

What is Florida? It is no part of the United States. How can it be? Do the laws of the United States reach Florida? Not unless by particular provisions. The Territory and all in it are to be governed by the acquiring power, except there are reservations by the treaty. Florida is to be governed by Congress as she thinks proper. What has Congress done? Congress might have done anything. She might have refused trial by jury and refused a legislature.

Chief Justice Marshall, in his opinion in this case, seems to have yielded assent to this view, for he held that Territories held by the United States were outside of the political organisms and not possessed of the guaranties of the Constitution. In the case of *National Bank vs. County of Yankton* (101 U. S., 129) Chief Justice Waite, in delivering the opinion of the court, said:

It is now too late to doubt the power of Congress to govern the Territories. Congress is supreme, and for all the purposes of this Department has all the power of the people of the United States, except such as has been expressly reserved in the prohibitions of the Constitution.

In the case of *Murphy vs. Ramsey* (114 U. S., 44) Mr. Justice Stanley Matthews stated the same view when he said:

It rests with Congress to say whether in a given case any of the people resident in a Territory shall participate in the election of its officers or the making of its laws. It may take from them any right of suffrage it may have previously conferred, and at any time modify or abridge it as it may deem expedient. Their political rights are franchises which they hold as privileges in the legislative discretion of the United States.

In *Shively's case* (152 U. S.) the Supreme Court reiterated the same views, and held the doctrine that the sovereignty of the United States may be extended over territory for other purposes than for the creation of States.

Judge Story says in his Commentaries:

The power of Congress over the public territory is clearly exclusive and universal, and there legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in treaties.

Chancellor Kent, in his Commentaries, says:

It would seem, from the various Congressional regulations of the Territories belonging to the United States, that Congress have supreme power in the government of them, depending upon the exercise of a wise discretion.

On this question of the extent of the power of Congress over acquired territory I frankly admit that there is a variance in the decisions of the Supreme Court of the United States. Hence decisions can be found sustaining the supreme power and also holding that there are limitations upon it imposed by the principles of our form of government, if not impliedly by the Constitution. It is a matter yet to be finally determined by the Supreme Court, and the bill for the imposition of customs duties on imports from Puerto Rico will finally settle the question.

In the exercise of this supreme power Congress is governing the District of Columbia. No political privileges are allowed its inhabitants. The Territories of New Mexico and Arizona have been governed by Congress for nearly a half century. While this view of the power of Congress as a matter of law may be true, I am in favor, as a matter of principle, of the recognition of the right of self-government to the inhabitants of all of these islands when in the process of time they are fitted for it.

The argument that the retention of these islands will cost much money is a sordid view of the question. I believe that as a business investment it will prove a blessing in the extension of our trade and commerce, and that they will prove more than self-sustaining. It is not a question, however, to be considered upon the basis of profit and loss. It is a question of right and national duty.

Suppose our forefathers when they pledged their lives and fortunes in the Revolutionary war had stopped to count the cost of the impending struggle; we would never have achieved our independence. Suppose we had halted to count the cost of the war with Mexico; then the vast domain bordering the Pacific would never have been ours. Suppose we had stopped to count the cost of the war with Spain; then our nation never would have become one of the great powers of the world and illustrated in its history its love of humanity, liberty, and right. Nations, like individuals, must strive, expand, and aspire to greatness if they expect to gain power and glory.

For us to halt now to count the cost of utilizing the advantages coming to us from the late war is not only a groveling position, but it imperils all these advantages. True patriotism is never mercenary. It is liberal, just, patient, and determined. In national achievements the price of success is money, lives, and heroic effort.

I assert my belief, notwithstanding the positive affirmation of many Senators to the contrary, that there is a commercial necessity for holding the Philippines. The United States is not only an Atlantic, but has become a Pacific power, with 5,000 miles of coast line on that ocean. Our producing capacity enables us to manufacture in most lines sufficient to supply the wants of double our population.

We have an inexhaustible supply of iron ore and coal; we have almost a monopoly of the manufacture of machinery of all kinds; we now rank third among the commercial nations, and, in fact, we command all the great forces that control the world. For the year ending June 1, 1899, our exports exceeded our imports \$800,000,000. The United States ranks first as an exporter of articles of domestic production. For this reason it is no longer claimed to be a race between the United States and individual nations, but between Europe combined on the one side and the United States on the other.

No one factor has conduced more to this ascendancy than territorial expansion, which has been the policy of this country since the landing of the Pilgrims at Plymouth Rock. And what was the plea but commercial necessity? In all the ages the struggle of civilized nations has been to find outlets for surplus products. Any congestion of domestic productions retards trade and inspires effort to relieve this condition. Nations, like individuals, must strive for success and supremacy. To halt in the race is to perish; to push on energetically is to reap rich rewards. It is the vigor and energy of our nation which has made it what it is to-day. All of our industrial and governmental development is the result of contention, of strife, of expansion, and ceaseless activity. There is no marking time in the life of nations. They either move forward toward perfection or backward toward decadence. At this time we are being pushed forward by the onward march of civilization. This crisis will determine whether we are to make progress or go to the rear. If we are not the agent of civilization in the East, some other nation will be.

Our nation has grown by obeying the instinct of development. We are to-day "Greater America," but that greatness will be lost if we forget the political philosophy which has made us great—expansion of American thought, territory, mechanical skill, civilization, and the philosophy of development. This is an auspicious moment for the creation and development of our export trade. The unexplored and undeveloped markets of Asia furnish the opportunity. All other fields have been occupied, and to attempt to wrest them from other nations is a doubtful contest.

In the Orient the commercial possibilities exceed the wildest dreams of the optimist. No wonder there is an irrepressible conflict between the great powers of the world, the outgrowth of commercial competition. Russia, Germany, England, France, and Italy have received rich territory under the guise of so-called "spheres of influence." The United States was thus confronted by Europe in the East when the battle of Manila occurred. The result of that battle has been the acquisition of the Philippine Islands, which give us a foothold from which, instead of suppliants begging for the "open door," we are upon a footing of equality with other nations. But it has been asserted that our trade in the East is a mere figment of the imagination and that conditions render it impossible to make it valuable.

The experience of the past decade contradicts this dogma. In 1893 our whole exports to China of cotton cloths were only 35,000,000 yards. In 1896 its volume increased to 72,000,000 yards. In 1897 it was 140,000,000 yards, and in 1899 it was 221,000,000 yards. In 1899 our Asiatic exports of flour were 1,725,388 barrels, against 1,240,563 in 1898, and while the total increase in our exports of flour to all countries between 1898 and 1899 was 20 per cent, the exports to Asiatic countries increased 39 per cent. There has been a gradually growing increase in all of our other exports. In the past our trade has been mainly along what might be called the lines of least resistance—that is, with nations speaking the English language.

As a consequence of this policy, the United States has only had 9.7 per cent of the commerce of the world, while England has had 18.3 per cent and Germany 10.8 per cent. The United States is the wealthiest and largest manufacturing nation. Since 1876 her exports have largely exceeded her imports. The value of the annual product of the manufacturing industries of Great Britain are 44 per cent, Germany 35 per cent, and France 30 per cent of that of the United States. With our factories running eight months in the year, we can supply our domestic market; hence there is a necessity for an outlet for our surplus products. They are suited to the climate and people of the East. We can supply the teeming millions of China with cheaper products than any other nation. Chinese ports in these days of steam and electricity are much nearer to us than California was to Washington in 1848. As a nation we must recognize changed conditions, and I believe that by properly utilizing our advantages in the Philippines our trade will continue to increase, until most of our surplus products find remunerative markets in the East.

I will hasten through, because I do not want to intrude on the courtesy of the Senator from Illinois; but I desire before closing to discuss the special interests of the South in this question of territorial expansion and trade. Our people are investigating and studying this subject for themselves, and they are not to be blindly led by political anti-expansionists. I have here a letter, which I will not stop to read on account of its length, addressed to me last fall by the cotton-mill men of South Carolina, calling my attention, in the most forcible terms, to the importance of our trade with China and urging upon the representatives in Congress to spare no efforts for the protection and development of that trade. I ask to have read a letter from the manufacturers of South Carolina and my reply thereto:

Some days ago the cotton manufacturers of South Carolina united in a letter to the Senators and Representatives of that State in Congress, calling their attention to South Carolina's large and growing cotton manufacturing business, and to the importance of her trade interests in the far east. They frankly stated that, in their opinion, the cotton business of South Carolina depended upon the China trade, and that any change in the existing treaty relations would be disastrous. "As we understand the situation," the letter states, "the question of the expansion policy of the Government is in no way involved. The maintenance of our rights in China does not include an attempt to bring other countries under the influence of our flag. The open and declared purpose of those who are solicitous about these rights is that in all questions of trade and commerce this country shall be put on a parity with its rivals in the far east. This is not a question of territory; not a question of empire; but simply a question of trade and the right that our people now enjoy to conduct a profitable commerce with the Chinese Empire in any portion of its territory. All that we demand is perfect equality with other nations."

STATEMENT OF THE MANUFACTURERS.

Following is the full text of the letter:

SPARTANBURG, S. C., September 29, 1899.

HON. B. R. TILLMAN, Hon. JOHN L. McLAURIN, Hon. WILLIAM ELLIOTT, Hon. STANLEY WILSON, Hon. W. J. TALBERT, Hon. A. C. LATIMER, Hon. J. E. FINLEY, Hon. JAMES NORTON, Hon. WILLIAM STOKES.

DEAR SIRS: We ask your consideration of the following:

South Carolina is now the foremost State in the South in the cotton-manufacturing business, not only in spindles, looms, and in number of hands employed, but also in amount of cotton consumed. She is nearly, and before the

expiration of twelve months will be, next to Massachusetts in number of spindles—the second State in the Union in the conversion of the raw material into finished products. The mills of the State, on a basis of 1,000,000 bales per year, consume about one-third of the entire crop of the State, and if present ratio in the increase of spindles continues it will not be many years before the requirements of the mills will reach the total cotton crop.

The business of cotton manufacturing is the paramount manufacturing interest of the State. Next to agriculture, it is the principal employment of our people. It returns wages directly to a very large percentage of our population, and indirectly it is the support of many thousands more. A large number of the mills in this State are making goods for the China or Eastern trade. If by any chance this demand should be cut off, the mills would be compelled to shut down, or to get into direct competition with the other mills which are making goods for home consumption. You can at once see what the importance of the China trade is to us; it is everything. The prosperity of the cotton-mill business of South Carolina depends, in our opinion, upon the China trade. We believe that the expansion of this trade is the hope of the cotton-mill industry in the South.

According to the best of our information, the question of the continuance of this trade is a question of policy on the part of our Government. Statistics show that 90 per cent of all the cotton goods exported from the United States to China find a distributing market at the three northern treaty ports of Ninchwang, Chefoo, and Tientsin. The first named is the treaty port of the great province of Manchuria, already recognized in the railroad and mining enterprises as an exclusive sphere of Russian enterprise. The second is the treaty port of the province of Shantung, in which Germany claims exclusive privileges similar to those conceded to Russia in Manchuria. The third is the treaty port of the metropolitan province of Chili, and is the maritime gate of Peking. All three are situated within a comparatively narrow area, but through them is done most of the foreign trade of north China. It only requires one step forward in the extension of the authority of Russia and Germany to destroy the terms of equality on which the commercial nations of the world participate in the advantages of Ninchwang and Chefoo, and the movement of Peking, which is generally assumed to be part of the policy of Russia, would necessarily threaten the commercial interests which center at Tientsin.

Up to this time, we are informed that pressure brought by the Governments of Great Britain and the United States has led Russia to declare its purpose to admit the merchandise of other nations into Manchuria on terms of equality with its own, but it is impossible to say how soon that policy may be changed. It is alleged that in the importation of railroad and other material Russia entirely disregards the imperial Chinese customs of Ninchwang, regarding the port as if it were already in a Russian possession; and it may be that Russia, for the protection of her own trade, may see fit to carry this discrimination to the point of imposing her own customs duties on American cotton goods. In such an event our trade with Manchuria would be seriously handicapped, and might, conceivably, cease to exist, as did our trade, under like circumstances, with Madagascar.

OF FAR-REACHING EFFECT.

The effect of this would be a far-reaching one to the cotton-mill industry in the South. Up to this time the Federal Government has shown a disposition to insist on the maintenance of its treaty rights with the Chinese Empire whenever there seemed any danger of their positive infringement. But, as we have indicated, the process of substituting for the authority of the Chinese Government the jurisdiction of a foreign power is a gradual and insidious one, and its completion would mark the disappearance of all preexisting treaties. We are, therefore, led to believe that equality of commercial opportunity in China can be maintained only by a decided stand in the interest of their trade on the part of the nations who have most to lose by the creation of spheres of exclusive commercial influence, and that any effective assertion of treaty rights must involve the stability of conditions now existing. When you consider the vital interest of your constituency in this question, we feel certain that you will deal with it in the way best fitted to bring about a satisfactory solution.

In our opinion this can be most easily reached by supporting any line of policy of the Federal Government based upon the strict observance of our treaty rights in China; or which, in other words, insists that no part of that empire should be subject to the influence of any government without giving to the United States equal commercial rights and privileges with the most favored nation. As we understand the situation, the question of the expansion policy of the Government is in no way involved. The maintenance of our rights in China does not include an attempt to bring other countries under the influence of our flag. The open and declared purpose of those who are solicitous about these rights is that in all questions of trade and commerce this country shall be put on a parity with its rivals in the far east. This is not a question of territory; not a question of empire; but simply a question of trade and of the right that our people now enjoy to conduct a profitable commerce with the Chinese Empire in any other portion of its territory. All that we demand is perfect equality with other nations.

We write this letter with the urgent request that you will use your influence to insist upon a policy on the part of the Federal Government which will secure the results above outlined and which are so full of consequence to our people. We believe that the policy of the Federal Government should be such that, while it demands nothing in concessions, it requires everything in the equality of trade, and such protection to our commerce as will not make it depend upon the whim or selfishness of any other foreign power. We recognize the right in other people to protect their own interest, but we do not recognize the right in the dismemberment of a friendly power to shut us out entirely, where, under agreement already made with such power, we are fully protected and have equal rights with other people. Whether we should trade or not with a friendly power should not depend upon the verdict of our rivals in trade, but the merit and result of that rivalry should depend upon prices and not upon policy.

Given the open door, we have no fears as to result or as to the future prosperity of our Commonwealth.

Yours, respectfully,

JOHN B. CLEVELAND,
President Whitney Manufacturing Company.
JOHN C. CAREY,
President and Treasurer Lockhart Mills.
A. H. TWICHELL,
Treasurer Clifton and Glendale Mills.
T. C. DUNCAN,
President and Treasurer Union Cotton Mills.
R. Z. CATES,
President and Treasurer Arkwright Mills.
J. F. CLEVELAND,
President Tucapan Mills.
W. I. HARRIS,
President Fairmont Mills.
D. L. JENNING,
Secretary and Manager Beaumont Manufacturing Company.
J. B. LILES,
President and Treasurer Fingerville Manufacturing Company.

BENNETTSVILLE, S. C., October 15, 1899.

To Messrs. J. B. CLEVELAND, J. H. MONTGOMERY, and others,
Spartanburg, S. C.:

Your letter has been received. I fully concur in everything you say about the importance of the retention of the trade of the South with China. The "open-door" policy is what we need and want. This has heretofore been secured by "treaty rights," which have been respected by other nations only to the extent to which it conduces to their trade interests. While ostensibly recognizing these treaty rights, other nations in violation of them have acquired territory and excluded therefrom our legitimate commerce. Russia has gradually absorbed Manchuria, and is building a railroad across Siberia to command the trade of China. Germany has been active and waiting in expectancy to obtain the Philippines. Japan has given Russia all the fruits of her victory in 1892. France has been the willing tool of Russia, and England has been passive in her fear to assail her.

This was the status in the East when the battle of Manila occurred. This victory thwarted all the schemes of Russia for the dismemberment of China, and rendered its absorption and partition impossible. If you want the "open door," the United States now holds the key. The archipelago of the Philippines lies along the coast of Asia for 800 miles and commands it. Manila is the point in the East which is the center of ocean traffic. It is the only point where foreign nations could have obtained commercial stations without a struggle. In the vicissitudes and good fortune of war with Spain, and without any intention of doing so, the United States have acquired the possession of the Philippines, which gives to her paramount political and commercial advantages.

My judgment is that the control of them, or at least of some portions, is the only safeguard for our trade interests in the East. The abandonment of them means the dismemberment of China, its partition among the European powers, and the inevitable loss of our China trade.

I note you say in your letter "that the question of our rights in China does not include an attempt to bring other nations under the influence of our flag; that this is not a question of territory, not a question of empire, but simply a question of trade," etc.

BOTH COMMERCIAL AND POLITICAL.

It seems to me that the question of trade is not alone involved. The commercial and political aspects of the great problem of the hour in this country are inseparable, and it is useless for us to close our eyes to this fact. Would it not be folly for us to sacrifice our commercial interests for purely political considerations? The maintenance of our trade in the East does not necessarily mean the forcible annexation of the Philippines, or the denial of the right of local self-government, but when the war is ended, by treaty or otherwise, for Congress to settle all questions in a just and constitutional way.

I do not favor the adoption by this country of a colonial policy, because of the vexed and threatening problems growing out of it, but I do think that, if possible, the United States should maintain sufficient interests in the islands to command equal trade rights with other nations in China. This will prevent for a long time the dismemberment of this vast Empire. England and Japan favor the integrity of the Empire, but they alone can not guarantee it against the other European powers. With the weight of the influence of the United States thrown against dismemberment it would be rendered impossible.

At present Hongkong, under British influence, is the great distributing point of the Orient. Manila, under American influence, will occupy a better strategic and geographic position, and should become a commercial center of that portion of the world. Commercial supremacy is the goal of every civilized nation; it is only attained through commercial progress and commercial expansion. In this great battle among the nations, without design of our own, while they were haggling among themselves, Dewey sails into Manila Bay and we find foothold within two days' journey of this land of consumers, where half of the population of the world is congregated within an area no larger than the United States.

There is much political rot in the constant parading of the term "imperialism." It is a misnomer, intended to confuse and deceive. It involves the idea of the incorporation into our body politic as American citizens of millions of the semibarbarous inhabitants of a tropical country. I do not believe such a thing is intended, possible, or desirable; nor is such a result necessary to secure such commercial expansion as we want. I think the dictates of common sense will govern the American people, and the ghost "imperialism," sprung for political effect, will not prevent them from gathering the full fruits of the victory so easily won, and treading the path so plainly blazed out by an overruling Providence.

HOPE OF SOUTHERN INDUSTRY.

It will be observed, therefore, that the Philippine question involves both political and commercial consequences. Upon its settlement, in my judgment, depends the future welfare of our people in maintaining equality of opportunity in the Eastern markets. A mere superficial view will not reveal its transcendent importance. To the Southern people it is fraught with momentous consequences. Cotton manufacturing in the South has grown in a few years with phenomenal rapidity. Millions of dollars are now invested in mills. The product of these have found remunerative markets in China and other countries in the East, our cotton goods being peculiarly adapted for clothing the teeming millions of that warm climate.

Their trade is the hope of this great manufacturing industry of the South. If it is cut off by other nations, not only the manufacturer, but the producer of raw cotton, will suffer. The present advance in spot cotton which our planters are enjoying is largely due to the mills of the South. They have forced the local market above New York. With active competition in local markets, Liverpool and New York exchanges no longer arbitrarily fix the price of raw cotton. Can the Southern people afford to sacrifice their commercial and industrial interests for mere political sentiment?

At the time of the acquisition of the Philippines, like most of our people, I knew nothing about the new questions suddenly projected by this unexpected event upon the attention and consideration of the American people. I have honestly and earnestly sought information, and studied them, so that I might be able to take such a position as would be right and conduce to the best interests of the country. I am willing to concede honesty of purpose and sincerity of conviction to others on these questions. It is difficult for a Representative to view this question as he should while the war is in progress and both parties attempting to make political capital out of it, one making frantic appeals to "stand by the flag" and the other criticising on humanitarian grounds everything that is said and done. When these questions are considered by Congress it is my purpose to act and vote for what I conceive to be for the best interests of South Carolina. A discharge of duty to the best of my ability will come up to the full measure of my obligations.

As you request, I will use my utmost endeavors to preserve and enforce all of our "treaty rights" in China, but with the lights now before me I feel that these are feeble safeguards. The United States, with the control of the Philippines by treaty or otherwise, will be in a position not only to insist upon, but to assert equality of trade rights in the East. Without this, all she can do is to respectfully but firmly protest against their violation by

other nations, but, as in the past, is not in a position to assert and maintain them.

Yours, very truly,

JOHN L. McLAURIN.

By the attempt to make this a party question and misleading information, much opposition has been developed to expansion; but sooner or later the question must be considered on its merits. It was said by a Senator a few days ago that the press of the country was attempting to forestall public sentiment in favor of expansion. I think that the contrary is true in the South. I know that it is so far as South Carolina is concerned. The frightful ghost "imperialism" has been held up to frighten and deceive. Our people are very conservative, and their peculiar condition since the war has caused them to almost blindly follow political leaders. During the past ten years, to my mind, the most hopeful sign has been the effort and desire on the part of all political parties to enlighten the people. Nowhere has this been more manifest than in the South. I believe the time has come when our people are prepared to consider these grave questions from the standpoint of reason and interest, and when they are not to be beguiled by appeals to passion and prejudice.

The past twenty years in the South has been a period of wonderful industrial development. After the war, bound down by the mailed hand of the Federal Government, our people lived in the memories of the past and saw no encouragement in the prospects of the future. Negro suffrage and negro domination blighted hope, paralyzed her industries, and left her the legitimate prey of the despoiler.

The spirit of true manhood, however, could not be crushed, and finally with a mighty effort she shook off the incubus and started upon a new era of industrial life. She has well-nigh solved the race problem, and the less said about it the better, for it is now tacitly admitted by those who forced it upon the South that universal suffrage is the crime and blunder of the century. This is a white man's country and Government, and the removal of all possibility of negro domination has given peace to the South and an impetus to industrial development. Capital has flowed in and there is confidence in all Southern enterprises. Bitter memories are being forgotten in the rush of the material development of our resources. Our people again feel that they are a part of this great country and that they are left free and untrammelled to work out their own destiny in their own way.

Few even of our own people appreciate the phenomenal progress of the South during the past twenty years. In 1880 the South had only 180 cotton mills, with 667,854 spindles and 14,300 looms. At present she has nearly 600 mills, with 5,000,000 spindles and 105,000 looms, an increase of 210 per cent in the number of mills and 650 per cent in the number of spindles. The Manufacturer's Record, which is doing a grand work for the development of the South, says that we have \$1,000,000,000 invested in manufacturing, with an annual output valued at \$1,500,000,000, and paying \$350,000,000 in wages. In 1894 the cotton mills in the South used 720,000 bales, while to-day they require a million and a half, and I predict that the cotton crop of North and South Carolina inside of three years will be consumed by the mills of those States.

The South is producing now 2,500,000 tons of pig iron each year as against 100,000 tons in 1870. It produces 40,000,000 tons of coal against 6,037,163 in 1880. Last year our lumber output was 10,000,000,000 feet, and we raised 750,000,000 bushels of grain. Last year one-fourth of all the coal mined was in the South. The South has an area of 47,000 square miles of workable coal, of which only 1,000 square miles are now developed.

The total production of coal last year in the United States, if I recall it correctly, was about 167,000,000 tons, and it is estimated in this same article in the Record to which I refer that with the development of the coal fields of the South she will produce alone 200,000,000 tons of bituminous coal.

The possibilities of the South in coal, iron, timber, cotton, and cotton manufacturing are almost unlimited. In cotton manufacturing the consumption by our mills for the next thirteen years at the same rate of increase that has obtained for the past ten would require a 10,000,000-bale crop for the mills of the South alone.

The cotton-growing region of this country measures about 550,000 square miles. This area contains enough land, with proper drainage and cultivation, at the present rate of production, to make 100,000,000 bales of cotton. It is shown by the Department of Agriculture that there are now enough horses and mules on the farms of the South to make 50,000,000 bales. There are 1,500,000,000 people in the world, of whom possibly 7,000,000 are interested in the growing, handling, and manufacturing of cotton, and possibly a million more in its sale. Thus we have remaining 99 per cent of the human family who are possible customers for our raw and manufactured cotton.

The South contains 60 per cent of the timber area of the United States. It produces 47 per cent of all the swine of the United States. There are now grown in the South 65 varieties of garden vegetables, fruits, and melons for early shipment and 72 varieties of field

crops, all showing the wonderful versatility of her soil and climate. In the question of water power our section stands without a rival. There are hundreds of thousands of horsepower easily available now going to waste. But the only hope for the future of the South, with all these magnificent possibilities, is in retaining and controlling her present markets and in securing other markets and enlarged trade.

There is no possible way of doing this but by commercial expansion, and the opportunity is now offered us in the East. Congregated into an area not much larger than the United States, one-half of all the people living upon the globe are to be found. It is for this trade that the commercial nations of the world are striving. Our western shores are washed by the same sea that ebbs and flows along the eastern boundary of Asia. We are but twenty days from this market, and with the Nicaraguan Canal will be much nearer. Our Southern manufacturers have already reached these markets and discovered their advantage. The Southern Cotton Spinners' Association in resolutions last year said that the development of trade in our cotton goods "has been largely in China and other oriental countries."

In 1895 our whole export of cotton goods to China amounted to 35,000,000 yards, while last year it was 221,000,000 yards. This large increase was from the Southern mills. Our Southern manufactured goods are adapted to the climate and needs of the people of the East. The most popular manufactured cotton goods in China to-day come from South Carolina mills. Japan is now importing our raw cotton, and the importation is rapidly increasing. The cotton planter needs these markets for his raw cotton, besides being benefited from the increased consumption by home mills.

In my judgment, no section has a greater interest than the South in the development of our Asiatic markets. The East wants her raw and manufactured cotton and presents a limitless field for our surplus products. Only about one-thirtieth of northern China has been reached by our cotton goods, and with past experience it is not unreasonable to say that when the entire field is covered it will require more than double our present capacity to supply the demand. This market presents the unusual condition of demanding both raw and manufactured cotton from the same section, thus benefiting all classes in the South.

It is no stretch of fancy to say that in a few years the trade of the South with China will exceed \$25,000,000 if the markets are not closed against us. But the question is, How are these markets to be kept open to the South and others created to furnish an outlet? Some assert that this can be done under treaty rights, which will secure the "open-door policy" in the East. This has been our only safeguard in the past, but an examination of conditions show that it is for the future uncertain and ineffective. In the great conflict of the nations now for commercial supremacy we need not rely solely upon treaty rights to secure the "open door." With a foothold in the Philippines we are in a situation to demand and enforce equality of opportunity with other nations. A good deal has been said in this discussion about the violation of the Constitution and principles of the Declaration of Independence in dealing with this question.

I am a Democrat, loyal to the party and its principles; but I am not an automaton, nor a slave to be moved by the party lash. I am trying to represent what I believe is best for my people and my section, and am content to let the future speak for itself. The Constitution, as the handiwork of the fathers, has my love and reverence; but, Mr. President, there is something higher than the letter of the law. Whenever in our past history the Constitution has come into conflict with the national sense of right and duty, it has given way.

Like the Sabbath, the Constitution was made for man, not man for the Constitution. The creature can not be greater than the creator, and when as a nation we rise higher in moral purpose and greatness than the Constitution it has been changed, and changed more often by construction than amendment. The progress and the growth of our nation can have, and should have, no constitutional restrictions which prevent its fullest development.

Under a destiny unforeseen and uncontrolled by us, the power and institutions of the United States have been planted in the East. I believe that if we do our duty, it means not only the elevation and uplifting of the peoples of that far-off land, but that it will add to the power and glory of our free institutions and the commercial supremacy of the nation.

TERRITORY OF HAWAII.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The pending amendment will be stated.

The SECRETARY. On page 46 it is proposed to insert the following at the end of section 94:

And the chief justice and associate justices of the supreme court shall each receive an annual salary of \$5,000; and the judges of the circuit courts, of whom the two judges for the first circuit shall each receive an annual salary of \$4,000, and the judges for the second, third, fourth, and fifth circuits, respectively, an annual salary of \$3,000 each.

The amendment was agreed to.

Mr. CULLOM. I desire to offer an amendment to section 53, and I ask that it may be read.

The SECRETARY. It is proposed to amend section 53 by adding at the end thereof the following:

Provided, however, That pending the time when this act shall take effect and until a session of the legislature of the Territory of Hawaii shall be held, the President may in his discretion authorize and direct the use of such money in the treasury of the republic of Hawaii as well as of the Territory of Hawaii as he shall think requisite and proper for the carrying on of the government of the Hawaiian Islands, the preservation of the public health, the completion of the sewerage system of the city of Honolulu, and such other expenditures as in the President's judgment shall seem to be appropriate.

Mr. COCKRELL. I do not understand the amendment.

Mr. CULLOM. The amendment seems to be necessary for this purpose. The Hawaiian Islands have now no legislature. The people are in great trouble over there on account of the bubonic plague which broke out, and in consequence of which a large portion of the city of Honolulu was destroyed, and there are several new cases there now, according to the advices by last steamer, which has just arrived. The people there, except as they make contributions themselves, are substantially helpless, and the purpose of this amendment is to allow, under the direction of the President, the Hawaiian authorities to use money in the Hawaiian treasury for the purpose of taking care of the islands and protecting them from this plague as nearly as possible. There is no way of getting any money now until this bill is passed, and for from fifty to sixty days afterwards. The bill provides that the governor, when appointed, may call a special session of the legislature after thirty days; but it will be thirty days before he gets the bill, perhaps, after it is passed, and that is so far ahead that those here representing the islands beg of Congress to do something that will enable them to get money to use for their protection in this interim of time, not from the United States Treasury, but from the treasury of the Hawaiian Islands. That is the purpose of it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Illinois.

The amendment was agreed to.

Mr. COCKRELL. On page 23, line 8, of the last print, section 55—

Mr. CULLOM. Has the Senator the print of yesterday or of to-day?

Mr. COCKRELL. The last print. I do not know whether you call it yesterday's print or to-day's.

Mr. CULLOM. The last one.

Mr. ALLISON. The present print.

Mr. COCKRELL. After the word "applicable," I move to insert—

Mr. CULLOM. What line is that?

Mr. COCKRELL. Line 8, page 22. I move to insert after the word "applicable" the words:

And the legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory.

Mr. CULLOM. And of the United States.

Mr. COCKRELL. Yes; citizens of the Territory and of the United States.

Mr. CULLOM. I have no objection to that.

Mr. MORGAN. There is no such thing as citizenship in Hawaii. The word "Territory" should be stricken out.

Mr. COCKRELL. I will make it "citizens of the United States."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. After the word "applicable," in line 8, page 22, section 55, it is proposed to insert:

And the legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The PRESIDENT pro tempore. Should not a period follow the amendment, and should not the word "but" be stricken out?

Mr. CULLOM. I think that ought to be done.

Mr. COCKRELL. I think you had better leave the word "but" in there—"but the legislature shall not grant." It comes in, I

think, and makes perfect sense of it. It is only a comma. It does not make a full sentence after the amendment.

But the legislature shall not grant to any corporation, etc.

The PRESIDENT pro tempore. Are there further amendments as in Committee of the Whole?

Mr. CULLOM. I think section 104, which is the section that provides that the act shall take effect sixty days after the date of the approval thereof, ought to be transferred and made the last section of the bill. That can be done by the clerks after we get through. I merely thought I would call attention to it.

Mr. PETTIGREW. I should like to ask the Senator why he considers it necessary to defer the taking effect of the act for sixty days, if there is such great haste in its passage. If they can not have a legislature or protect themselves, and this law is not to take effect for sixty days, it seems to me there is no very great haste.

Mr. CULLOM. The trouble is, there is a good distance between us and the islands.

Mr. PETTIGREW. It is only twelve days from Washington.

Mr. CULLOM. I want to make the time as short as we can consistently, so as to have the law go into execution as soon as possible.

Mr. PETTIGREW. Thirty days is certainly an abundance of time, because it is only twelve days from here to Hawaii.

Mr. CULLOM. Does the Senator from South Dakota think that is enough time?

Mr. PETTIGREW. Undoubtedly it is an abundance of time.

Mr. PLATT of Connecticut. That is a pretty short time.

Mr. PETTIGREW. I should like to terminate these slave labor laws as soon as possible.

Mr. CULLOM. I have no objection to making it thirty days.

Mr. PETTIGREW. Certainly that is an abundance of time.

Mr. CULLOM. I will consent to that change so far as I am concerned now. If I find by inquiry that it will be impossible to retain that clause, we will change it. But I will consent to make it thirty days instead of sixty.

Mr. PETTIGREW. There are copies of this bill in Hawaii, and the moment the bill becomes a law the telegraph will take the news to San Francisco, and it is seven days from San Francisco to Hawaii. So that in fact ten days would be abundant time.

Mr. CULLOM. I will consent to the change suggested by the Senator from South Dakota.

The PRESIDENT pro tempore. Does the Chair understand the Senator from South Dakota to make a motion to strike out "sixty" and insert "thirty"?

Mr. PETTIGREW. I understood the Senator from Illinois to accept the amendment, striking out "sixty" and inserting "thirty."

Mr. CULLOM. I consent to that.

Mr. PETTIGREW. It ought to be twenty days.

Mr. CULLOM. I am afraid that would not operate.

The PRESIDENT pro tempore. The amendment to strike out "sixty" and insert "thirty" before "days" will be agreed to if there is no objection.

Mr. ALLEN. Mr. President, I have no desire to speak on the amendment, but there is another matter which I desire to call to the attention of the Senator from Illinois.

The PRESIDENT pro tempore. The amendment is agreed to.

Mr. ALLEN. I wish to call the attention of the Senator from Illinois to section 4, defining citizenship. I notice that section 4 provides:

That all persons who were citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States.

Who were citizens of those islands on the 12th of August, 1898?

Mr. CULLOM. I do not know whether I understand the question.

Mr. MORGAN. All persons who were born in the islands or naturalized up to that time.

Mr. ALLEN. That is rather indefinite. How many persons were there and how many persons were deprived of citizenship?

Mr. MORGAN. We were not sent there to take a census, and we could not have done it. We had no opportunity to do that, and we could not find out in any other way.

Mr. ALLEN. Relatively speaking, how many citizens were there?

Mr. MORGAN. I do not want to make a guess about a matter that I do not know anything about.

Mr. ALLEN. The Senator from Alabama was sent there to find out something about these matters.

Mr. MORGAN. We discharged our whole duty.

Mr. ALLEN. I have no doubt of that; but it has never fallen to my lot to even inquire successfully into this matter. My field of operation, so far as our foreign relations are concerned, has been somewhat circumscribed, and I presume it will be hereafter. Therefore I must appeal to learned and distinguished Senators who, presumptively at least, know all these things for the

information I desire. I have the impression in my mind some way that there is a very limited citizenship in that country, and that the citizenship rests upon a property qualification. I should like to ask the Senator from Illinois if that is not true?

Mr. CULLOM. I think not, Mr. President. The voting is limited.

Mr. ALLEN. Probably I should distinguish between citizenship in its comprehensive term and the elective franchise.

Mr. CULLOM. There was a property qualification under the republic for those who voted for senators larger than that which was found in this bill. I think I can anticipate what the Senator from Nebraska desires to know especially. There were a portion of the people there who declined to take the oath to the republic and become citizens of the republic, who were residents of the island, and my recollection is (the Senator from Alabama perhaps will correct me if I am wrong) that there were possibly 800 or 900 who declined to take the oath to the republic and refused to vote on that ground; and they have not yet voted, as I understand it. I ask the Senator from Alabama whether that is a correct statement or not. I do not recollect very distinctly the number.

Mr. MORGAN. The statement has been fully made on the record in this debate. It has been fully made according to what the Senator is now suggesting.

Mr. CULLOM. I suppose that is what the Senator from Nebraska was trying to ascertain.

Mr. ALLEN. Yes. Were all male persons 21 years of age, who were domiciled in those islands, who were compos mentis and not disqualified by crime, eligible to vote on the 12th of August, 1898?

Mr. CULLOM. Not all persons.

Mr. ALLEN. I do not mean all persons; I mean all males.

Mr. CULLOM. They were eligible to vote for representatives, provided they could speak, read, and write the English or the Hawaiian language, but they were not all eligible to vote for senators unless they had at that time more than \$1,500 worth of property or had an income perhaps of \$1,000. The voting capacity was limited by that kind of a property qualification.

Mr. ALLEN. Are those restrictions removed by this bill?

Mr. CULLOM. This bill allows all persons to vote who are citizens of the United States and of the islands who can speak, read, and write the English language or the Hawaiian language. So that substantially all the population of the islands who are male citizens 21 years of age are to be voters.

Mr. ALLEN. What I wanted to know and what I wanted to insist upon if this bill does not cover that feature, and I want to insist upon it in good faith, is that suffrage in those islands shall be unrestricted, or restricted no more. I should say, than it is restricted in the United States, in the State of Illinois, or the State of Nebraska.

Mr. CULLOM. There is no restriction that does not prevail in the Senator's State and mine except the intelligence provision that the voter shall be able to speak, read, and write the English or Hawaiian language.

Mr. ALLISON. That ought to be satisfactory.

Mr. ALLEN. I find on page 13 of the bill, section 25, prescribing punishment of persons not members of the legislature, it provides for certain things, some of which I will read:

That each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence; or

Who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or

Who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or

Who shall rescue any person arrested by order of such house.

I thought that those provisions, necessary and well enough in themselves, ought to be supplemented by a provision that would give power to a committee duly appointed by either house to conduct an investigation, the authority to punish witnesses for a failure to attend when properly subpoenaed, or for contumacious conduct, such as declining to answer proper questions when before the committee. If this bill is to stand as the constitution or in lieu of the constitution for the government now being erected in the Hawaiian Islands, it ought to be specific, and the legislative branch of that government ought to have full power to ascertain the truth that may affect its own standing or the standing of its members, or that may affect the condition of legislation. Without some provision of that kind both the legislative bodies would be powerless to act. Yet I do not know that it is my duty to offer an amendment. I do not think it is. I call attention to it, however, as a defect in the bill.

Mr. SPOONER. Is the Senator from Nebraska through?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield the floor?

Mr. ALLEN. Yes; I yield.

Mr. SPOONER. Mr. President, some days ago in the debate upon this bill I stated it as my recollection that the Senator from

Alabama [Mr. MORGAN], in the last session of Congress, when the Senator from Indiana [Mr. FAIRBANKS] was pressing the passage of the bill extending the contract-labor laws or the immigration laws of the United States to Hawaii, objected upon the ground that it would be ruinous to the people of Hawaii to extend those laws to that people. The Senator from Alabama rose and stated that he had not taken that attitude. I spoke from recollection, for I remembered distinctly one part of what the Senator had uttered in that debate.

Upon examining the RECORD I find that there were two bills pending, a bill to give a government to Hawaii and a bill also to extend to Hawaii the contract-labor laws and the immigration laws of the United States. On reading the RECORD of what was said upon the subject, I find that the objection made by the Senator from Alabama to the proposition of the Senator from Indiana was not directed to the merits of the extension or the proposition to extend the contract-labor laws and the immigration laws of the United States to Hawaii, but was addressed to the proposition that to extend the one—in other words, to pass the one bill without passing also the other—would produce great confusion in Hawaii and lead to great embarrassment in the administration of the law, and therefore would be ruinous.

I avail myself of the first opportunity possible to me to place upon the record here my statement that I did injustice to the Senator from Alabama. I hope that will be satisfactory to him, as I would not be willing to do an injustice to any of my brother Senators on any subject.

Mr. CULLOM. I only want to say one word in this connection. I thought at the time the Senator was making the statement that the remarks of the Senator from Alabama were as they are found in the RECORD, and did not apply to the case, as was supposed at that time by the Senator from Wisconsin.

Mr. MORGAN. Mr. President, the bill to which the Senator from Wisconsin [Mr. SPOONER] refers—the bill to repeal all the laws in regard to the importation of labor and to prohibit the further importation of labor—was brought into the Congress just about the time of our adjournment, perhaps two days before the final adjournment. There was no possibility of getting up the general bill which is under consideration now, and which disposes of the whole subject of the government of Hawaii; and I objected to putting in a special clause, which was reported by the Committee on Immigration, I believe, in regard to the labor system of Hawaii, on the ground that it would disconcert the whole system of the law there, and we had not an opportunity to know exactly what the effect of it would be. Such a measure as that, if provided at all, ought to be provided in the general bill; and it was provided in the general bill that all the laws of Hawaii on this subject should be repealed and that the laws of the United States should take effect, which, of course, would introduce there the laws of the United States.

I have always maintained that the act of annexation repealed the laws of Hawaii on the subject of the importation of labor, because that act of annexation in dealing with this question of immigration, as it did in regard to the Oriental peoples, established a public policy under which those laws of Hawaii would necessarily, in my opinion, go down. I did not suppose that we were improving the law really by the provision to repeal the laws of Hawaii that we put into the bill. The real substance of those acts, the provision we have in this bill now for the repeal of those laws, had already been enacted in the act of annexation.

There is an established, fixed policy of the United States against the importation into any part of the United States of contract labor. Whether it is prohibited in a particular spot or not makes no difference; it is a general law; it is a general public policy; and I hold that no man can now import a coolie or any man that is under a contract obligation into the United States, although there might not be a special statute applicable to the particular place. It could not be done, for instance, as was stated, I think, perfectly to-day, in Puerto Rico. Coolie labor could not be lawfully imported into Puerto Rico to-day, although we have no statute on the subject at all, for such importations are contrary to the public policy of the United States as declared in a general system of laws upon that subject.

So I was not only gratified but I was anxious that the labor laws of the United States should be extended over Hawaii. I had been there and I had seen the effect of it, and while it was not at all, apparently, injurious to any Japanese who had come into that country or anyone else, while I could not see that there was any disadvantage to those people in consequence of the labor laws, yet it was a system that our people were opposed to and that our country was opposed to, and I have always advocated the laws for its suppression.

Having been there and having observed the situation of the country, I became aware also of the fact which I have stated on the floor here, without it being contradicted at all, that the great sugar estates in Hawaii, upon which this labor is almost exclusively employed, belong to corporations who were either created

in California or are owned there. Our own people in the United States are the men who are forcing these importations of Japanese. It is not the native Hawaiians or the people who are in control of the government there. They were resisting it so far as they could, and made various modifications in the arrangements and contracts that were made under the existing Hawaiian law. They took them to be laws that were existing. I did not.

So I had no purpose at all in trying to encourage and maintain the importation of Japanese labor into Hawaii under contract. The absurdity of the imputation to me of any such position is this: Japanese have a perfect right to come to the United States or Hawaii or any part of the United States to-day; as much so as a German or a Frenchman. There is no prohibition against their coming here. The only prohibition that operates upon Japan in that connection is that which operates upon every other nation of the world equally. We can import a Japanese laborer without making a contract with him for his service after he gets here. Therefore, I had not any motive at all in undertaking to fill up that country with Japanese laborers. On the contrary, all my impressions were against it.

Mr. SPOONER. All I care for is whether the Senator from Alabama is satisfied with the statement I made.

Mr. MORGAN. I am entirely satisfied.

Mr. FAIRBANKS. Mr. President, I made a similar observation with respect to the attitude of the Senator from Alabama [Mr. MORGAN] that was made by the Senator from Wisconsin [Mr. SPOONER]. My statement was based upon the utterance of the Senator during the debate at the last session. He objected to the consideration of the bill which was in my charge extending the immigration and anti-contract labor laws of the United States to Hawaii. He said in reply to the request to take up the bill:

I will state that whenever the bill is taken up, I shall undertake to amend it in such way as to try to save those people from ruin in consequence of this legislation, and I will take all the time that it is necessary to do it.

I recalled the other day simply that observation, but since reading the entire debate, I do not think it can be said that he was unfriendly to the ultimate extension of our immigration and anti-contract labor laws to Hawaii. He preferred, possibly, the extension of those laws through his own bill rather than through the one I had in charge.

In this connection, Mr. President, I would like to ask the Senator in charge of this bill whether as amended it provides for the absolute elimination of the contract-labor laws of Hawaii? There should be no ground for doubt upon that proposition. I think we are all agreed that in this legislation we should absolutely destroy, root and branch, the contract-labor system which has maintained in Hawaii; and if the bill does not as it stands at present accomplish that purpose, it should be amended so that it will do so. Sir, the contract-labor system which has existed in the Hawaiian Islands is repugnant to our American institutions and must be eradicated. I dare say that the Senator in charge of the bill has not failed to provide suitable provisions to accomplish this purpose, but I shall be obliged if he will kindly inform us upon the subject.

Mr. CULLOM. In the first place, all the Territorial statutes on this subject are repealed. In the second place, the Senator will find on the eighth and ninth pages of the last print of the bill section 10 and section 10½, the latter being an additional section put in yesterday on the motion of the Senator from South Dakota [Mr. PETTIGREW]. Taking them all together, it seems to me that it is utterly impossible for contract labor to exist in those islands hereafter when this bill takes effect.

Mr. TELLER. Mr. President, I desire to offer the amendment of which I gave notice last night. On page 44, I move to strike out all of section 88 down to and including the word "court," in the fifth line, and to insert in place of it what I send to the desk.

The SECRETARY. Strike out section 88 down to and including the word "court," in line 5, on page 44, and insert in lieu thereof the following:

That there shall be established in said Territory a district court, to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district; and said judge, attorney, and marshal shall hold office for four years, unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court and shall proceed therein in the same manner as a circuit court. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law.

Mr. TELLER. I wish to say that yesterday I was under the impression that we were providing for more judges than were necessary, but on consultation with some of the members of the committee and the commission who were over there I find it is quite different from what it would be in the contiguous territory. The judges are scattered, necessarily, because of the different islands, and there seems to be in the minds of the commission at least a necessity for this particular judge, who is to be clothed only

with the powers with which we have usually clothed a Territorial judge—that is, to do the business of the United States. I am told that there is going to be a large business there in the way of admiralty affairs and various things. The effect of my amendment is that this is a Territorial judge and not an attempt to create a constitutional court.

Mr. CHILTON. Will there be no constitutional judge there at all?

Mr. TELLER. There will be no constitutional judge. This judge will be clothed with all authority of a constitutional judge, but his time is limited to four years.

Mr. CHILTON. And you confer admiralty jurisdiction on a Territorial judge?

Mr. TELLER. That has been done repeatedly. All the authorities are that way. Every jurisdiction that could be conferred on a district judge can be conferred on a legislative judge. That has been repeatedly held by the Supreme Court. Take, for instance, Colorado. Full jurisdiction was conferred upon the Territorial judges there, absolutely, except as to admiralty, there being no business of that character in Colorado; but they had every other jurisdiction. There was some question as to whether we could legally create a constitutional court out there—there was no question in my mind about it—but we could create a court, and we did create a court with the powers of a constitutional court.

Mr. HOAR. Do I understand that in substance and principle—I shall not go into details—this judge is like the judge of the supreme court of a Territory?

Mr. TELLER. Practically.

Mr. BACON. In listening to the amendment I was unable to catch its full import. I should like the Senator to state what is the line of demarcation between the jurisdiction of the court provided for in another portion of the bill and this particular court.

Mr. TELLER. The other judges, the five or six circuit judges scattered around, will not have charge of infractions of the laws of the United States. What would be called national questions will come to this court.

Mr. BACON. What court will have charge of local questions?

Mr. TELLER. Local questions are left to the other courts. In the Territories every judge exercises that power, but the commission seemed to think it was not wise to confer that power on these judges. There must be, however, some judge there to exercise it, and therefore he is provided for in this way. I believe it will be satisfactory to the people out there and accomplish everything the commission desire.

Mr. ALLEN. Mr. President, I regret to say that I do not think the amendment proposed by the Senator from Colorado [Mr. TELLER] will remove the objection to this part of the bill. This seems to be exceptional in our legislation. Heretofore we have been contented with permitting Territorial judges to exercise ex officio the jurisdiction of a Federal judge or a Federal court proper.

The Senator from Colorado says that he is now satisfied that the number of judges is not too great in consequence of the islands being somewhat scattered; but I fail to observe any provision in the bill which requires those judges to come from any particular island or to reside on any particular island during their term of service. They can all be appointed from the city of Honolulu, and reside there.

Mr. CULLOM. Will the Senator allow me?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Nebraska yield?

Mr. ALLEN. I do.

Mr. CULLOM. The local statute of the Territory creates circuits for the circuit judges, and each of them holds his court in his particular jurisdiction, as is provided, and those laws are preserved.

Mr. PLATT of Connecticut. If the Senator will permit me, this provision is in the laws of Hawaii:

Every judge of the circuit court shall reside in the circuit for which he is appointed.

Mr. ALLEN. Yes.

Mr. HOAR. This provision is not so drawn as to cover that.

Mr. CULLOM. The supreme court sits in the capital of the island, and, of course, appeals are taken to the court there, and disposed of by the supreme court.

Mr. ALLEN. Suppose a litigant wants to begin his case in the Federal court before the judge provided for in the amendment of the Senator from Colorado, it would not make any difference in what island he lived, he would have to go to Honolulu for the trial of that case.

Mr. CULLOM. I think the bill provides for the holding of court at two different places, Honolulu and Hilo, which are the two principal cities. That is the statute.

Mr. SPOONER. You can not hold a Federal court in every county of a State.

Mr. ALLEN. You could hold terms of a Federal court in every county of every State in this Union if you wanted to, and I am not prepared to say that it would not be the wisest thing—and I say

it after some deliberation and some investigation—to invest, in the first instance, all Federal power in the State judiciary, to be exercised by them, with the right of appeal and the right of a writ of error to the court of last resort, to the Supreme Court of the United States, or an intermediate court of appeal.

Mr. SPOONER. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. SPOONER. Does the Senator contend that it is in the power of Congress to vest admiralty jurisdiction under the Constitution in a State court?

Mr. ALLEN. There may be some question about that under the Constitution; but I am not speaking now of constitutions or technical questions. I am speaking of a question of policy. I do believe it would be the wisest thing the people of the United States could do, and that it would be conducive to purity in the administration of justice—a thing we much need nowadays—if all judicial power of the United States Government were invested in the first instance in the nisi prius of general jurisdiction of the different States and Territories of the United States.

That position, Mr. President, is not without precedent. Heretofore we have made the Territorial courts, which stand to the Territories very much as the State courts stand to the States, courts of general jurisdiction, and invested them with Federal jurisdiction as well; and they have exercised it as wisely, I presume, as courts generally exercise their jurisdiction.

Now, we have eight judges in those islands, seven of them exercising one kind of jurisdiction and one of them exercising a separate jurisdiction. It can not be presumed that the gentlemen who will be appointed to the circuit bench by competent authority in those islands will not possess the qualifications necessary to the discharge of Federal duties. Ordinarily, one man possesses about as much qualification as another in that respect. You propose to have four circuit judges of general jurisdiction, criminal and civil; then you propose to have a distinct court of appeals or a supreme court; then, distinct from that, a court of review; you propose to have a Federal court or Federal courts, and that, too, in seven or eight islands that have not got, all told, 200,000 people to-day.

I do not believe that I am extravagant, whatever others may think, when I say that three good judges of competent health and mental qualifications, who will attend to their duties, can discharge every necessary judicial function in those islands every year without impairing their health by labor. They can sit as a court in banc, in review of appeals from each other, with a writ of error to the Supreme Court of the United States for final hearing. When you come to put seven or eight judges upon the people of those islands you are putting at least five more men there than are necessary. It is like taking the money we pay to those men and burning it up, for it is no more valuable to the taxpayers of the United States or to the taxpayers of those islands than it would be if it was put in a stove and burned up. But I suppose there must be a political Botany Bay somewhere, where the political nondescripts, the halt and the blind, and those who fall outside of the breastworks can find positions at the expense of the Government.

Mr. President, I started a moment ago, when I was cut off, to speak of some defects in this bill, in my view; and I will now briefly state them. One of the defects of this bill is that it opens every port in those islands to unrestricted immigration. You do not carry the exclusion act over those islands; and the Hottentots can within a few months become domiciled in the Sandwich Islands, and within a short time thereafter can become a citizen of the United States.

Mr. ALDRICH. And he can in Nebraska.

Mr. ALLEN. No, Mr. President; Hottentots can not in Nebraska.

Mr. ALDRICH. Why not?

Mr. ALLEN. They might be imported there, but the people of Nebraska would drive them out.

Mr. SPOONER. If the Senator will allow me, what law is there which would prevent a Hottentot going into Nebraska?

Mr. ALLEN. Mr. President, I do not care to say anything in reply to an argument such as that, but I am perfectly willing that Senators shall interrupt me with proper questions. I do not care anything about it one way or the other.

But I am speaking of a great question, a question which is vital to this country, vital to the people you represent, Mr. President [Mr. PERKINS in the chair], and to the people I represent, that the citizenship of this country shall not be contaminated and debased by the unrestricted importation of this class of people. I am not indulging in the light and trivial question of whether some Hottentot, literally speaking, may be in Wisconsin, Rhode Island, or Nebraska.

Now, what restrictions have you put upon immigration? Nothing at all. All the rag-tag and bobtail elements of the world can go there.

Mr. MORGAN. I will say to the Senator that we have extended the laws of the United States over Hawaii.

Mr. ALLEN. You have not extended the exclusion act over the Territory of Hawaii.

Mr. MORGAN. We have extended all the laws of the United States over Hawaii.

Mr. ALLEN. And you have not extended the exclusion act to any other territory in our new possessions.

Mr. MORGAN. I beg the Senator's pardon. He is wrong about it. This bill extends all the laws of the United States over the Hawaiian Territory.

Mr. ALLEN. If that is true, Mr. President, why are not those laws enforced?

Mr. SPOONER. We have not yet extended them. The bill has not yet been passed.

Mr. ALLEN. You ought to have extended them. You have had possession of those islands now for pretty nearly two years.

Mr. MORGAN. They have been under the laws of the United States.

Mr. ALLEN. They have not been under the laws of the United States. What laws of the United States have they been under?

Mr. MORGAN. By the act of annexation we continued in force the laws of Hawaii until Congress shall change them.

Mr. ALLEN. That is a singular reason—most singular.

Mr. MORGAN. It is no reason at all; it is a mere statement of a fact on the statute book.

Mr. ALLEN. A moment ago I understood the Senator to say that when we annexed those islands there were extended over them by their own force the laws of the United States.

Mr. MORGAN. I did not say that; but by this bill, when it is passed, those laws will be extended.

Mr. ALLEN. When we pass this bill the exclusion act, so the Senator says, is to be extended over those islands.

Mr. MORGAN. Of course it is.

Mr. ALLEN. I fail to find any provision in the proposed law to that effect. The Senator from Alabama may asseverate it if he sees fit, but there is a difference between the provisions of this bill and the ipse dixit of the Senator from Alabama, or of any other Senator, that it is in the bill by inference or expressly.

Mr. CULLOM. Section 6 provides:

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force.

Mr. ALLEN. Those are the laws of Hawaii.

Mr. CULLOM. The section proceeds:

Subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Then section 5 provides:

That, except as herein otherwise provided, the Constitution and all the laws of the United States not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections 1850 and 1890 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

Mr. HOAR. From what is the Senator reading?

Mr. CULLOM. Section 5, page 3.

Mr. ALLEN. There is another one of the mysteries of this bill—"not locally inapplicable."

Mr. MORGAN. That is in every Territorial act which has passed the Congress of the United States.

Mr. ALLEN. Suppose it is in every Territorial act in the United States, what does it mean?

Mr. CULLOM. What it says.

Mr. ALLEN. Who is to determine whether it is "locally applicable" or not? Why, Mr. President, there is an unlimited field to guess in. One man will declare a thing locally applicable which another man will declare inapplicable. I believe that hidden beneath that language is the purpose of making the exclusion act inapplicable to the islands of Hawaii.

Mr. CULLOM. Mr. President, the commission looked through the United States Revised Statutes and copied them, and also copied from the other Territorial acts.

Mr. ALLEN. There is altogether too much of that kind of work done.

Mr. HOAR. Will the Senator from Nebraska allow me to put him a question, or to make a suggestion, in line with and in support of what he is saying?

Mr. ALLEN. Yes, sir; I will.

Mr. HOAR. I should like to have an explanation of what is meant by the language in section 5:

Except as herein otherwise provided—

That was an amendment put in by the Senate—

the Constitution and all the laws of the United States not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States.

That only extends to the laws of the United States except as "herein otherwise provided." Then does not section 6 otherwise provide in regard to this very matter? That section says:

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject

to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. SPOONER. Would not, under that language, any act of Hawaii which permitted contract labor and absolutely unlimited immigration be in conflict with our laws?

Mr. HOAR. That would present the question which I was just about to state when the Senator put his interrogatory to me. Does that mean inconsistent with the laws of the United States in their effect in the United States? We have got a law of the United States now which does not extend to Hawaii. That is clear. The Hawaiian laws now existing are not inconsistent with the laws of the United States, because the United States has no laws extending to Hawaii, but they relate to different Territories.

Let us see. Would not section 6 maintain and preserve the Hawaiian law? All of this can be made clear by a phrase, if it is necessary, because the meaning of the committee is undoubted. You have got, in other words, two systems of laws. The United States laws extending to the United States, and the Hawaiian laws extending to Hawaii. They are not inconsistent with each other, because they relate to different territorial spots on the earth's surface. Is it, then, sufficient to abolish one of those by saying that the laws of the United States are now to have force and effect within that Territory "except as herein otherwise provided?" Then you have, in substance, herein otherwise provided that a particular Hawaiian law shall continue. I am dealing with a very narrow question of phraseology; but it seems to me there is not any doubt about it.

Mr. ALLEN. Mr. President—

Mr. HOAR. I beg the Senator's pardon, but my interruption was in support of what he was saying.

Mr. ALLEN. I am dealing with the general proposition that the ports of those islands are open to unrestricted and unlimited immigration.

Mr. SPOONER. Under this bill?

Mr. ALLEN. That they will be under this bill.

Mr. CULLOM. The Senator is entirely mistaken.

Mr. ALLEN. I may be mistaken, and, if so, it will not be the first time in my life I have been. I hope I may be mistaken, but I do not want to see the character of citizenship of this country or any other territory that has become permanently a part of the United States debased. I think I am liberal in my views on immigration laws. I am in favor of the most liberal laws for the reception of people of kindred tongues and races who come to our country and become a portion of our people—an assimilable class of people. I believe this country was designed for that class of people, and from them; Mr. President, in the past we have received great aid. The German, the Irishman, the Bohemian, the Englishman, the Scotchman, the Frenchman, the Swede, the Scandinavian, and all those kindred classes of people have added much to the wealth, the intelligence, and the glory of our country.

But, Mr. President, we have gone out to the Sandwich Islands and have annexed to ourselves, inseparably I suppose, a class of people upon whom seems to rest the curse of God, and now we propose to use the Sandwich Islands as a stepping-stone or as a door giving entrance, and unrestricted entrance, to all classes of people of all nationalities to this country. Senators may bicker and talk and chop logic on the question of the construction of this bill, but the fact remains—it remains patent to all people—that the Sandwich Islands are to be used as a doorway through which all classes of people, who may be alien to our institutions and hostile to a republican form of government, are to be admitted to debase our population and to demoralize our citizenship.

I shall vote against this bill from top to bottom. I shall not criticise it unnecessarily, I think. I do not intend to do so, at least; but it is a slipshod affair. To speak of it in respectful terms, it is crude, ungrammatical, not properly constructed in any respect, disjointed, not properly arranged; but nevertheless it is probably in keeping with the majority of bills that come before the Senate for final passage in those respects.

But the thing I object to most of all, Mr. President, is the wild, unrestrained dream for power, to acquire somebody, to get hold of people who do not belong to us, whether they contaminate us or not. Have we reached that period in the history of our country that all of its glories and its sacred institutions must go down in dust that we may extend our commerce, as I heard the Senator from South Carolina [Mr. McLAURIN] argue this afternoon? The Constitution is a mere rope of sand. So say some of these gentlemen, and the decisions of the Supreme Court construing the Constitution throughout the history of our nation have no force, according to their opinion. The whole course of our nation, which has been to build up a strong domestic government and keep us free from alliances that will bring about nothing but contamination and injury to the country, is to be abandoned, and we are to get some poor people, and the more helpless they are the more

willing we are to take charge of them, and we are to govern them, assimilate them, their government, their commerce, their laws, their institutions, and all.

Mr. President, I do not deem it my duty to stand here and offer amendments to this bill. I believe it is the duty of the Senator to withdraw the bill, or of the committee which has passed upon this bill to present it in the form it should be. I shall not offer an amendment to it. If it were so drawn, Mr. President, that you could drive an ox team through it, I would not offer an amendment to cure its defects; it is that broad in some respects.

But, Mr. President, it is offered to accomplish a purpose—that is, to take those people, all the driftwood, the wash of the future, into the citizenship of the United States. There is not a people upon the known globe morally and physically so inferior, so turbulent, and so unfitted for American citizenship that you do not propose to admit through the gates of Hawaii. You do not care about its effect upon the American home; that signifies nothing. It may debase the scholarship of this country; it may, as it will, debase the citizenship of the laboring man for these people to come here in daily contact with him as a laborer and reduce the scale of living of his wife and children; but you care nothing for that; that signifies nothing. If you can extend your commerce, reap the rewards of the labors of those people, and reduce the condition of the laboring man in the United States, you will have served your purpose.

And all this is to be done, Mr. President, in the name of patriotism and of the Divinity. It reminds me of a story that was told at one time about a section of this country—I shall not locate it—where a great scandal occurred in consequence of the misappropriation of public money, a scandal that shook the very foundations of the nation at the time. It was said that the chief in those scandals, the man who disbursed the Government funds, was a regular attendant at prayer meeting, and when his associates were gathered around him at a Thursday evening prayer meeting, he always opened the services by saying, "In the name of God, let us rob somebody." [Laughter.] So it is every time that we seek to despoil a weak people of their property or of their institutions, we are doing it in the name of the lowly Nazarene.

Mr. SPOONER. Mr. President, we all take the same oath when we become members of this body. Each Senator determines for himself what the obligation of that oath is and what duty rests upon him flowing from it. I confess I can not understand the principle upon which the Senator from Nebraska acts about this bill or any other bill that is presented for the consideration of the Senate when he says if he saw defects in it, if he saw objectionable provisions in it, he would not offer any amendment. The Senator, I believe, voted against the annexation of Hawaii.

Mr. ALLEN. I did.

Mr. SPOONER. So did I, Mr. President, or I was paired against it; but Hawaii was annexed; the Congress of the United States made it a part of the United States, and we are now engaged in framing for it a government as a part of the United States. I can not reconcile it with my duty as a Senator to neglect it or to be indifferent to the provisions of the bill.

Mr. ALLEN. Will the Senator permit me?

The PRESIDING OFFICER. Will the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. SPOONER. Certainly.

Mr. ALLEN. I utterly repudiate the power of Congress to annex the Hawaiian Islands by a joint resolution such as passed the Senate. It is ipso facto null and void.

Mr. SPOONER. I had my questions about that. I have my conviction about it now.

Mr. ALLEN. My constitutional conviction is clear.

Mr. SPOONER. But that is a political question, not subject to review by the courts.

Mr. ALLEN. I beg the Senator's pardon.

Mr. SPOONER. I grant it.

Mr. ALLEN. The Senator ought to. It could be made the subject of review by the courts. It could be very easily made the subject of review by quo warranto or some other process.

Mr. SPOONER. Quo warranto? How?

Mr. ALLEN. I am not going into the details of it. Suppose a citizen of the Hawaiian Islands should be arrested. Could not that be raised by a question of habeas corpus?

Mr. SPOONER. Of course not.

Mr. ALLEN. Of course not? Of course it could. But I want to say to the Senator—he seems to be delegated to take charge of me on almost all occasions—

Mr. SPOONER. I beg the Senator's pardon. That is not true. I decline that responsibility.

Mr. ALLEN. It will take lots of the Senator's time if he discharges his duty fully. But what I want to say, and then I will quit, is that I have no respect whatever for the judgment of the Senate in passing a joint resolution to annex the Hawaiian Islands, and I discharge my full constitutional duty, in the light of my

responsibility to God and to my country, when I vote against every measure of this kind.

Mr. HOAR. I rise merely to ask the Senator from Colorado [Mr. TELLER] a question. I do not wish to take the floor.

Mr. TELLER. I will wait until the Senator from Massachusetts gets through.

Mr. HOAR. I thought the Senator was through.

Mr. SPOONER. I yield to the Senator from Massachusetts.

Mr. HOAR. I beg pardon. I thought the Senator had concluded. I merely wish to ask a question.

Mr. SPOONER. The Hawaiian Islands were annexed to the United States by a joint resolution passed by Congress. I reassert, although my distinguished legal friend the Senator from Nebraska is absent, that that was a political question and it will never be reviewed by the Supreme Court or any other judicial tribunal. That is too well settled to admit of any doubt except perhaps in Nebraska.

I think the Senator from Nebraska is mistaken, and I think the suggestion made by the Senator from Massachusetts is not without question. Section 5 says:

That except as herein otherwise provided, the Constitution and all the laws of the United States—

That has been amended so as to read "not locally inapplicable"—shall have the same force and effect within the said Territory as elsewhere in the United States.

That is the language which has been employed always in legislation for the erection of Territories and the government of Territories. But that is not all.

Mr. HOAR. I want to ask my honorable friend a question. The laws of the United States, unless they are locally inapplicable, like laws establishing light-houses or other laws having a local significance alone, are extended to Hawaii. Now, what meaning can section 6 have, that being the case, if the Senator be right? Will he state, for instance, a law of Hawaii on any general subject of legislation which would be inconsistent with the laws of the United States?

Mr. SPOONER. I suppose there are a great many.

Mr. HOAR. Suggest one as an example.

Mr. SPOONER. I am not familiar with the laws of Hawaii.

Mr. HOAR. Suppose you were applying this to Wisconsin.

Mr. SPOONER. We are not proposing here to provide in every possible detail laws for Hawaii.

Mr. HOAR. But there are laws of the United States Territories as to marriage, divorce, crimes, misdemeanors, and all those things. Now, all the laws of the United States are to go over the Territory.

Mr. SPOONER. Hawaii was a republic.

Mr. HOAR. Now, they have saved some by section 6. What have they saved?

Mr. SPOONER. I will tell the Senator what I think they have saved. Hawaii was a republic. It was an independent government. They had a system of laws of their own enactment. When Hawaii became a part of the United States by the passage of the annexation resolution those laws remained in force, except so far as they were modified for the time being by direction of the President of the United States. Otherwise it would have been anarchy.

Mr. MORGAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. Yes.

Mr. MORGAN. I desire to make a correction of his proposition. All the laws of Hawaii, by the act of annexation, except so far as they conflict with the Constitution of the United States, were continued in force by an act of Congress just as they are to-day and have been all the time since the annexation, and they will remain in force until an act of Congress shall change it, if it is a hundred years.

Mr. CULLOM. Unless the legislature repeals them.

Mr. MORGAN. Unless they are repealed by their own legislature. That included the whole system of government in Hawaii, including the republic by name and by organization and everything relating to it, excepting the laws connecting that republic with foreign nations. So the laws in Hawaii in force to-day are expressly kept there in force by an act of Congress, and the President has no power in regard to them except to designate the people who are to execute them.

Mr. SPOONER. And to direct the manner in which they are to be executed?

Mr. MORGAN. And to direct the manner in which they are to be executed.

Mr. SPOONER. Certain laws are repealed expressly by this bill, and that is what is meant by this exception:

That, except as herein otherwise provided, the Constitution and laws of the United States not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States.

Now, section 6 reads:

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Now, there is by this bill left of the body of the laws which have been enacted under the republic of Hawaii, as I understand it, those not expressly repealed, and such of those laws as shall not be inconsistent with the Constitution and laws of the United States. The Senator from Massachusetts, construing this language—

Mr. HOAR. I am inclined to think, on further examination, that the Senator from Wisconsin is right.

Mr. SPOONER. The Senator from Massachusetts construed properly the language "not locally inapplicable" to include a few subjects of legislation; but the general laws of the United States as to alien labor, contract labor, and immigration just as certainly extend when this bill passes—not now—over the Territory of Hawaii as they extend to any other Territory under the jurisdiction of the United States.

I am not to rail about the act of Congress annexing this Territory, although I was not in favor of it. It was done. It has been made a part of the United States, and I wish to aid as far as I may as a member of the Senate in providing for that people a good government and adequate laws; and whatever my friend the Senator from Nebraska may say about it in the heat of debate, I venture to say that he has the same purpose and the same desire.

Mr. President, I rose merely to speak for a moment upon the amendment offered by the Senator from Colorado. I wish the Senator from Alabama were present. I do not think it changes at all in legal effect, although I agree it ought to be made plain, and it is made plain by his amendment, section 88 as it stands in the bill. That section is as follows:

That a judicial district of the United States is established for the Territory of Hawaii, to be called the district of Hawaii, which shall be included in the Ninth judicial circuit of the United States. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district.

No tenure of office is fixed by this section or by the bill for the district judge or the district attorney or the marshal. There is, however, a general provision of statute which declares that the term of office of a Territorial judge and of a marshal and of a district attorney shall be four years; and unless this is a constitutional court, and unless under the provisions of the Constitution this judge as a judge of a constitutional court is to hold for life, which I deny, the legal effect of this provision, no matter what you call the court, no matter what you call the judge, would be to create a Territorial judge of a Territorial court, whose term of office would either be indefinite or would be under the general law limited to four years.

I have been unable to escape the conviction that it is not within the constitutional power of Congress to create a constitutional court—and by that I mean a court the tenure of whose judge is fixed by the Constitution—in the Territories of the United States. To avoid misunderstanding, and to avoid trouble hereafter, we ought, in legislating upon this subject, to consider it with some care with reference to the Constitution upon the subject. The Constitution is very plain. I wish to call attention to it for a moment:

The judicial power of the United States—

And by that, I understand, is meant the Union of States—

shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

I admit the right of Congress to erect Territorial courts. I admit the right of Congress to confer upon such courts the jurisdiction which Congress chooses. I admit the right of Congress to make the term of office of the Territorial judge four years or ten years or during good behavior, so far as the question of power is concerned. Generally the tenure has been limited to four years, but not always. As to Indiana, I think, as to Michigan, as to Wisconsin, as to Minnesota, as I recollect it, the tenure was made during good behavior; but notwithstanding all that they were Territorial courts. Those courts are not inferior courts within the language of section 1 of Article III, the tenure of the judges of which is beyond the reach of Congress and is fixed entirely by the Constitution.

Those courts are established, as I understand, not under that section of the Constitution at all, but under the section which gives the Congress the power to make rules and regulations respecting the territory and other property of the United States. It has been decided so time and time again by the Supreme Court of the United States. To my mind the test whether this is a constitutional court or not lies in the question whether or not we have any right to fix the tenure of the judge at all.

This bill was drawn upon the theory that this is a constitutional court under section 1 of Article III of the Constitution, and that, being silent upon the tenure of office under that provision of the Constitution, it creates a life judge.

Mr. ALLEN. Will the Senator permit me?

Mr. SPOONER. Certainly.

Mr. ALLEN. I did not suppose there was any doubt about a Territorial court being purely the creature of a statute.

Mr. SPOONER. I do not think there is, and in a sense—

Mr. ALLEN. And the section of the Constitution to which the Senator from Wisconsin refers provides for constitutional courts that are to preside in different districts in the States.

Mr. SPOONER. I agree with the Senator, but I suggest he does not cover the whole ground. The district courts and the circuit courts of the United States are, in a sense, legislative courts. The constitutional provision is that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

Mr. ALLEN. The Senator will permit me. These Territorial courts are extra constitutional courts.

Mr. SPOONER. The Senator is quite right. As I was saying a moment ago, the test to my mind is this: As to Territorial courts, we may make the tenure of the judges of the Territorial courts what we choose. We may make it one year; we may make it four years; we may make it ten years, or we make it, if we adopt a bad and, I think, a vicious policy, during good behavior; but with the tenure of the office of the judge of the inferior courts mentioned in article 3 we have nothing whatever to do. Once we create the court and the Constitution fixes the tenure. It is not possible for Congress to make it any less than during good behavior.

That is not all there is to it. The judge of the constitutional court can not be removed by the President of the United States. He can only be removed by the Senate of the United States upon an impeachment. We have the power to provide that the judge of the Territorial court—and that power has been often exercised, and it has been sustained by the Supreme Court of the United States in the McAllister case and other cases—may be removed by the President of the United States. It is beyond our power to make any such provision for the removal of a judge of a constitutional court.

So I say, if my friend, the Senator from Alabama, will give me for one moment his attention, that in my opinion this section, as it is drawn, providing no limit to the tenure, saying nothing, in fact, as to the tenure of the judge, will be governed by the general provisions of the Revised Statutes as to Territorial judges, and will make the tenure of the judge four years. In all the legislation from the beginning this fact has been recognized, that there is a distinction under the Constitution between the Federal court in a State and the Territorial courts. We may clothe the Territorial court with the powers of a Federal judge; in other words, as we have the law side of the court and the equity side of the court, we may so frame our legislation that the court shall have the Territorial or local side on the one hand, and on the other hand the Federal side; but in my view we can not make the court a constitutional court with the tenure of the judge fixed by the Constitution.

Mr. BACON and Mr. NELSON addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. I yield to both Senators.

Mr. NELSON. I thought the Senator from Wisconsin was through.

Mr. SPOONER. No.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Georgia.

Mr. BACON. I quite agree with the Senator from Wisconsin as to the purpose which he favors in support of the amendment offered by the Senator from Colorado. I quite agree with almost all he has said, and I do not wish to be understood as now disagreeing with him on the particular point which I suggest to him. I do so for the purpose of getting his views.

Section 1 of Article III is in these words:

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The Senator in reading that draws the conclusion that that refers, in the use of the "United States," to the Union of States, and from that he deduces the conclusion that it would be unconstitutional, aside from the question of policy, to establish one of these constitutional courts in a Territory. Did I understand the Senator correctly?

Mr. SPOONER. I say it has always been the theory upon which our legislation has proceeded that the constitutional court was the Federal court in the States and not in the Territories.

Mr. BACON. I quite agree with that. I understood the Senator to go further and to say that in his opinion it would be beyond the power of Congress to establish in a Territory one of these constitutional courts?

Mr. SPOONER. I think that is true.

Mr. BACON. I want to ask the consideration by the Senator of this question. The language is:

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The Senator says that that refers to the Union of States by the use of the words "United States." The question I desire to ask the Senator is this: I presume there will be no question about the fact that the jurisdiction of the Supreme Court in its appellate capacity would cover the Territories, although it would be beyond the territorial area of the Union of States.

Mr. SPOONER. It covers the territory if we provide by the act for writs of error from the territory.

Mr. BACON. The Senator does not catch the point of my inquiry. I presume it will be conceded that the jurisdiction of the Supreme Court would go beyond the territory represented by the Union of States. Now, the question I desire to ask the Senator, not for the purpose of taking issue with him, but for the purpose of asking his consideration of the point, is this: If the language used would extend the jurisdiction of the Supreme Court beyond the territorial limits of the Union of States, would not the same language, in case it was seen proper by Congress under this clause to establish one of these inferior courts in the territory, also authorize the extension of the jurisdiction?

It is simply, if the Senator will pardon me, a suggestion in connection with what I understood to be his proposition, that the Congress would have no power to establish a constitutional court recognized in section 1 of Article III in a Territory, if it saw fit to establish a judicial circuit there. I repeat, I do not do this for the purpose of taking issue with the general conclusion to which the Senator comes. I think the amendment of the Senator from Colorado is eminently correct, and I shall certainly support it. That amendment will very largely remove one of the principal objections I have to the bill.

Mr. FORAKER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Ohio.

Mr. SPOONER. Certainly.

Mr. FORAKER. I thought the Senator from Wisconsin was through.

Mr. President, I have already said in the consideration of this bill as much as I care to say upon the question now raised by the proposed amendment. I rise, therefore, not for the purpose of again debating or arguing the proposition so raised, but only to express my dissent from what I understand to be the proposition of the Senator from Wisconsin, that the Congress of the United States can not establish a constitutional court in the Territories of the United States.

Congress can not, I agree with him, establish a constitutional court within the territory of the United States outside the Union if Congress proceed under the clause of the Constitution empowering Congress to legislate for the Territories; but I do not know of any reason why Congress may not proceed under the judicial article of the Constitution, if it should see fit to do so, in establishing a court in the Territories. I understand that the very first territory we acquired was so legislated for by Congress when Congress undertook to establish a court for it. By the act creating a Territorial government for Louisiana—

Mr. SPOONER. I yielded for a question to the Senator from Georgia. Did the Senator from Ohio suppose I had yielded the floor?

Mr. FORAKER. I thought the Senator had concluded—

Mr. SPOONER. I have not.

Mr. FORAKER. Or I should not have proceeded. If you will allow me, I can say all I want to in a moment, and then you can proceed, or I will give way to you now, as you prefer.

Mr. SPOONER. No; go ahead.

Mr. FORAKER. I should not have presumed to interrupt you, but I thought you were through.

By the act establishing a Territorial government for Louisiana, passed in 1804, Congress did create, as I understand it, a constitutional court. Clearly the Congress so understood its own action at that time, for after providing for Territorial courts and conferring upon them their jurisdiction and fixing the tenure of the judges, then Congress proceeded to make the Territory of Louisiana a district, and to provide a court for the district, and to provide a judge for the court, and Congress did not undertake to say what should be the tenure. Evidently Congress was proceeding upon the theory that the tenure would be a life tenure; and if you will consult the record, you will find, I am informed, that pursuant to that legislation a judge was appointed who held for quite a long term of years—until after the State was incorporated into the Union. It was not for four years, nor ten years, nor for any number of years, but evidently intended to be a tenure for good behavior, as the Constitution provides.

Mr. President, what shows conclusively to my mind that Con-

gress thought they were establishing a constitutional court, and were intending to establish a constitutional court, is the fact that the jurisdiction they conferred upon the court is the same jurisdiction that was conferred by the judiciary act of 1789 on the court of the Kentucky district.

Mr. HOAR. May I ask the Senator from Ohio one question?

Mr. FORAKER. Certainly.

Mr. HOAR. Does the Senator think that Congress could establish in the same Territory, if it saw fit, a constitutional court and a court not constitutional?

Mr. FORAKER. I am using the term "constitutional" in contradistinction to the term "Territorial" or "legislative." All courts must be constitutional in the sense that they are authorized by the Constitution.

Mr. HOAR. I understand.

Mr. FORAKER. I say this, if the Senator will allow me: It is competent for Congress, and Congress has usually so proceeded, to establish a Territorial or legislative court, proceeding under that clause of the Constitution authorizing Congress to legislate for the Territories; and the Supreme Court, in probably every instance where it has passed upon that question, has said that it appears that Congress was undertaking to establish a Territorial in contradistinction to a constitutional court, because Congress has fixed the tenure for a number of years, or Congress has conferred a local jurisdiction that does not properly belong to a constitutional court of the United States.

Mr. HOAR. The Senator does not quite apprehend my question. I wish to understand him. The Senator says that Congress may establish in a Territory Territorial courts. Of course nobody doubts that. In the next place the Senator says, as I understand him, that Congress may establish a constitutional court, by which I suppose he means because everything Congress does gets its own power from the Constitution.

Mr. FORAKER. Certainly.

Mr. HOAR. I suppose he means a court which is one of the courts described in the Constitution, and he must therefore have a life tenure, a tenure during good behavior. Now, does the Senator claim that both kinds of courts—because that will be the test of another question I should like to ask him by and by—can be established by Congress in the same Territory? That is what we are doing now if we are going to have a constitutional court.

Mr. FORAKER. I do not so understand it. What we are doing now is to establish certain Territorial courts for Hawaii.

Mr. HOAR. But I understand, if the Senator will pardon me, that the debate is upon the proposition suggested by the Senator from Colorado. Having provided the ordinary courts, with their four years' tenure, and divided the Territory of Hawaii among them, now the Senator from Colorado moves another court, which he proposes to call the district court, which does not have its tenure provided for by the enactment which creates it, and which is claimed by him, or at any rate by some Senator in the debate, I do not say by him, to be a constitutional court. I understand the Senator from Ohio is defending the right to do that thing in the Hawaiian bill, to do it in a bill which already has in it provisions for Territorial courts with a four-years tenure; and I wish to know whether in the Senator's judgment, he having given me his opinion in favor of the validity of the constitutionality of this amendment, he thinks that a constitutional court and a Territorial court may be established with authority over the same Territory.

Mr. FORAKER. Well, Mr. President, I do not think I fully comprehend what it is the Senator wants me to make answer to. If he will only allow me to conclude what I was undertaking to say, I know he can understand what is in my mind.

Mr. HOAR. If my honorable friend will allow me to make myself clear, then, by one further question—

Mr. FORAKER. I would rather the Senator would wait until I get through.

Mr. HOAR. I do not want to talk; I want to learn; and I am applying to one of the highest authorities I know of, who was expressing his opinion on the very question.

Mr. FORAKER. I am trying to give my opinion to the Senator, and I will take great pleasure in giving it for whatever it may be worth; but the Senator, by interrupting me before I had concluded, has stated with respect to my opinion some things that are not exactly accurate.

Mr. HOAR. I only asked a question with the Senator's leave.

Mr. FORAKER. Certainly; I appreciate that; and I wanted to conclude a sentence; and that would perhaps convey to you all the information that you desire to obtain from me.

What I was undertaking to say had reference to a provision that is found in the bill, as I have already said before in this debate, and that is one reason why I have been less particular to go over it carefully now. Whether you call it a constitutional court or a Territorial court, it is within the power of Congress to create exactly what we have undertaken to create here, if we want to do it. It is a question of policy and not of power; and I say that be-

cause, as admitted by the Senator from Wisconsin, we have a right to give to the judge for whom we provide a life tenure, if we see fit, although it is a Territorial court.

Mr. SPOONER. I have not denied that.

Mr. FORAKER. I say the Senator from Wisconsin has admitted it.

Mr. SPOONER. But will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. SPOONER. Can we give him a four years' tenure?

Mr. FORAKER. We can give him a four years' tenure or a four months' tenure.

Mr. SPOONER. Can we give to the judge of a constitutional court anything less than a life tenure?

Mr. FORAKER. Certainly not; and I have said that as repeatedly as I have had occasion to say it in the course of this debate. But what I want to say is that there are two provisions in the Constitution under either one of which Congress may proceed in legislating for a court in a Territory. It can proceed under that authorizing it to legislate for Territories, and then, of course, it will create a Territorial court. But I do not know of anything in the Constitution that prevents Congress from proceeding under the judicial article to create a court that would have a life tenure and have the constitutional jurisdiction.

Now, ordinarily, they have given to the Territorial courts a jurisdiction that was not the constitutional jurisdiction, and the Supreme Court of the United States has pointed to that fact as a reason why the legislation was intended to create a Territorial court, or that Congress has given less than a life tenure as another reason why it should be regarded as a Territorial court. Now, I say, and that is all I want to say about it, we have a right to create a court for that Territory, and in creating that court we can proceed under the power to legislate for the Territories given in the Constitution or under the judicial article of the Constitution.

Now, when they legislated for the Territory of Louisiana, undoubtedly they proceeded under the judicial article of the Constitution, for what they did when they created a court for Louisiana was to say that Louisiana should be a district and should have a district court, and the judge of the district court should have the constitutional jurisdiction; and they said the jurisdiction of that judge should be precisely the jurisdiction conferred by the act of 1789 on the court for the Kentucky district. Nobody will pretend that the Kentucky district was not a constitutional court.

When they came to fix the tenure, having given to that court the constitutional jurisdiction, they gave to it the constitutional tenure. That is to say, they did not fix any tenure at all. That meant necessarily that it was for good behavior, and in the case of *Seré vs. Pitot*, Chief Justice Marshall, having occasion to review a decision of that court, referred to it as a court of the United States. He did not say it was a constitutional court, but he spoke of it as a United States court for the district of Louisiana in contradistinction to a Territorial or a legislative court in that Territory. It seems to me, in short, that the true test by which to determine whether a court is a legislative or a constitutional court is not locality, but jurisdiction and tenure.

Now, all I want to say further is that if it be conceded, as the Senator from Wisconsin does concede, that Congress has full power, proceeding under that clause of the Constitution authorizing us to legislate for the Territories, to create a court with constitutional jurisdiction and the judge with a life tenure, then he is conceding all that the framers of this bill claim for this provision, and I do not care whether you call it a constitutional court or a Territorial court; the enactment will be valid, for the question constantly recurs, Is this section valid which we are proposing to enact? Is it within the power of Congress to enact it? If so, as I think it is, then follows the question of policy, and that is all.

Mr. SPOONER. Mr. President—

Mr. HOAR. Will the Senator from Wisconsin allow me?

Mr. SPOONER. If I may presume after this great lapse of time to bring myself humbly to the attention of the Senate again in this debate upon this question, I yield to the Senator from Massachusetts.

Mr. FORAKER. I hope the Senator from Wisconsin will excuse me—

Mr. SPOONER. I do.

Mr. FORAKER. If I interrupted him improperly.

Mr. SPOONER. I do.

Mr. FORAKER. I was particular before commencing to inquire whether he had concluded.

Mr. SPOONER. I did not hear that.

Mr. FORAKER. I thought he answered me that he had.

Mr. HOAR. I have been so engrossed in other matters that I have not given the investigation I ought to give to this special question, which is imminent upon us in a thousand ways. The Senator from Ohio has given attention to it. He is the author, or at any rate the sponsor, of a bill which is intended to affirm the legislative authority of the United States over an important possession lately acquired.

Now, the question which I put to him was an exceedingly practical question in regard to the very matter on which we are going to vote when we vote next on this bill, to wit, whether in a bill which already contains a provision for five ordinary Territorial judges, which I concede and which he affirms, and you may add with jurisdiction over the entire Territory is within the power of Congress, a constitutional court with the constitutional life tenure, having its authority under the clause in the Constitution which provides for the creation of judicial officers other than the Supreme Court of the United States, I asked my honorable friend whether in his judgment he thought we could have the two kinds of court in the same possession.

Mr. FORAKER. Undoubtedly.

Mr. HOAR. Very well; that is what—

Mr. FORAKER. I thought I was misunderstanding the Senator a moment ago, because I had been just saying that.

Mr. HOAR. That is all I asked him, and I put it as preliminary to another question.

Mr. FORAKER. Now let me add what upon our own experience is true, as well as upon reason, or what I at least conceive to be the reason of the case.

Mr. HOAR. Very well. I agree with the Senator that we can establish each kind of a court separately. Now, then, if we can establish both kinds of court for the same Territory, what kind of law, fundamental law, is in force after you have done it? When you have established your constitutional court, is that to administer the Constitution as the valid supreme law of the place where it sits, or no; or can you establish a constitutional court over which court the Constitution of the United States has no authority?

Mr. FORAKER. Mr. President, I do not understand that there is any difficulty about that.

Mr. HOAR. I have difficulty about it.

Mr. FORAKER. The constitutional court is fixed by the Constitution itself. Congress could confer upon it additional jurisdiction undoubtedly, but when we speak of a constitutional court we mean a court, as I understand it, that has the jurisdiction that is conferred by the Constitution.

Mr. HOAR. And the tenure.

Mr. FORAKER. Now, if you will consider, I do not think you will find any difficulty such as the Senator seems to have in his mind. No matter where the court may sit, the judge is an officer appointed by the President of the United States, serving the United States, and under an oath of office that requires him to support the Constitution.

Mr. HOAR. That is it exactly.

Mr. FORAKER. And whenever he is called upon to administer law he must administer it, of course, in accordance with the statutes and the Constitution of the United States.

Mr. HOAR. Exactly. Then when you have got a constitutional court enactment by Congress, if I now understand the Senator, you have got the Constitution of the United States there to be administered and applied.

Mr. FORAKER. You have it—

Mr. HOAR. Let me state now.

Mr. FORAKER. Certainly.

Mr. HOAR. I am not putting a question, but making a statement.

Mr. FORAKER. It is so easy to answer that I am impatient.

Mr. HOAR. Perhaps it will not—

Mr. FORAKER. I beg your pardon.

Mr. HOAR. Perhaps the Senator's impatience is what makes him think it is easy to answer. It may be barely possible. I only suggest it. Now, my proposition is that if we concede, first, that the United States has the authority to establish a constitutional court; second, that it has lawfully done it; and third, that having lawfully exercised that authority the Constitution of the United States in all its provisions has extended to the territory within the jurisdiction of the United States, you can not escape the corollary that the Constitution is in force there, and that duties must be uniform, that exports from that place can not be taxed, that the persons in that Territory are citizens, that they have the right to go wherever in the United States they choose, and that everything the Senator from Ohio has by the right of his citizenship every dweller, every person on that soil, born there or lawfully there under the act acquiring it, has by the right of his citizenship. Now, I should like to know from my honorable friend how he escapes that result?

Mr. FORAKER. With very great pleasure.

Mr. SPOONER. Now will the Senator yield to me? [Laughter.]

Mr. FORAKER. I think in view of the very concise and direct question that was put to me by the Senator from Massachusetts, I ought to say a word in answer; but I will yield to the Senator from Wisconsin with very great pleasure, for I know we have unduly trespassed upon him.

Mr. SPOONER. If the Senator from Ohio will not yield to me, I will yield to the Senator from Ohio.

Mr. FORAKER. I can say it in a moment, and I will be careful to take but a moment about it, in view of the way we are robbing the Senator of his time. It seems to me that a complete answer to all that is involved in the question of the Senator from Massachusetts, if I rightly understand the question, is found in simply recalling the office of a court. What the court is called upon to do is to decide legal propositions that arise and are brought before it.

Mr. HOAR. To support the Constitution.

Mr. FORAKER. For instance, the judge who was appointed and who qualifies by taking an oath of office to support the Constitution of the United States is to decide all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority. His jurisdiction shall extend to all cases affecting ambassadors, other public ministers, and consuls, etc. The Senator is familiar with it all.

Mr. NELSON. Will the Senator from Ohio allow me to interrupt him a minute?

Mr. FORAKER. Yes, certainly.

Mr. NELSON. I wish to call his attention to the fact that the question of the Senator from Massachusetts was intended to raise an entirely different question. The question was intended simply to raise the fact as to whether the Constitution of the United States goes into the Territory of Hawaii, and the inquiry was not involved in the matter we are discussing now.

Mr. HOAR. Or to all Territories everywhere.

Mr. FORAKER. Whatever may have been in the Senator's mind, my answer to it is, to be brief about it, that the court sits to settle controversies arising under the Constitution and the laws; and if two citizens of the United States have a question arising between them in Ohio or elsewhere they can litigate it in any court that has jurisdiction of the subject-matter and of the parties, no matter where that court may be situated. But the court having jurisdiction to pass judgment in such a case would not have anything to do with the political or governmental operation of the Constitution, either one way or the other.

It would be perfectly competent for this court to try yonder in Hawaii, if it had jurisdiction of the parties and the subject-matter, any sort of controversy arising here or arising elsewhere under the Constitution and laws of the United States, and render its decision in accordance therewith, without regard to whether the Constitution was in force there as an organic law or not, the sole question in that respect being whether the case was one arising, not necessarily there, but anywhere under the Constitution or the laws or the treaties, etc., of the United States.

Mr. HOAR. May I ask the Senator one more question?

Mr. FORAKER. Certainly.

Mr. HOAR. Is there, in his judgment, any part of the Constitution which the court, so appointed and so sworn, would not be bound to support?

Mr. FORAKER. No.

Mr. SPOONER. Will not the Senator take that up in the discussion of the Puerto Rican case?

Mr. FORAKER. Yes; I am sorry I can not follow this out to the end with the Senator from Massachusetts now, but I recognize the right of the Senator from Wisconsin to the floor, and I yield.

Mr. SPOONER. If I may be permitted to use a slang phrase, I have been "lost in the shuffle." I have no regret for the interruptions of the Senator from Ohio, except that from my standpoint he has interjected into my observations a great deal of judicial error.

The Senator from Ohio says, as I understood him, that if we are creating under section 1 of Article III a constitutional court for the Territory we can create a constitutional judge there. Well, if we were creating under section 1 of Article III a constitutional court for the Territory, of course we would create a constitutional judge there.

I understood the Senator to admit that if we were proceeding under the general sovereignty of the United States over these Territories, under that article which gives to Congress the power to make rules and regulations respecting the Territory and other property of the United States, we could not create a constitutional court in the Territory, the tenure of the judge of which court would be fixed by the Constitution rather than by the act of Congress. That observation of the Senator from Ohio is what the logicians would call a *petitio principii*. It begs the entire question in dispute between that Senator and myself. He assumes that we may, under section 1 of Article III, create a constitutional court in the Territory the tenure of whose judge is fixed by the Constitution at life and whose tenure is beyond the legislative jurisdiction.

That is precisely the proposition which I deny. That is pre-

cisely the proposition which is in dispute between us. The Supreme Court of the United States oftentimes has declared that in creating courts in Territories we did not proceed under section 1 of Article III, but we did proceed under the other clause of the Constitution, which gives us the power to legislate or to make rules and regulations respecting the territory and other property of the United States. Chief Justice Marshall says in the case of *The Insurance Company vs. Canter* that they are legislative courts.

Mr. FORAKER. Mr. President, will the Senator allow me?

Mr. SPOONER. If the Senator will permit me, I leave the city to-morrow, and I am anxious to get through.

Mr. FORAKER. I am called out of the Chamber now. Will the Senator allow me just one word?

Mr. SPOONER. Of course, and I have allowed the Senator.

Mr. FORAKER. Certainly you have, and you have been so generous and so kind that we keep on interrupting you when we ought not to do so. What I want to say is that it was true, as said in the *Canter* case and in all the cases to which the Senator refers, that the courts under consideration were Territorial or legislative courts, but they point out why they were so, because they, by tenure or jurisdiction, were shown to be such. The court, in other words, in all those cases was considering what Congress had done—not what Congress might do.

Mr. SPOONER. The Senator from Ohio—

Mr. FORAKER. I have to go now.

Mr. SPOONER. The Senator from Ohio has fallen into the strange position that the only reason why the Supreme Court of the United States has decided that the Territorial courts were Territorial courts in contradistinction from constitutional courts was that the term of the judge was limited. That is a great mistake. The test is not whether we may make the tenure of the judge of a Territorial court for life, but the test is whether we can do anything else. That is the question.

As I said a few moments ago, Congress may, proceeding under the Territorial clause of the Constitution, if I may so call it, create these courts and give them such jurisdiction as Congress sees fit. We may fix the term of the court and of the judge at four years or ten years or during good behavior; and we may provide that those judges may be removed by the President.

But Congress has no more to say about the tenure of office of a constitutional judge than the Emperor of China has. Once create the district court under this article of the Constitution, you need say nothing about the tenure of office of the judge. If you make it four years, it is unavailable. If it is one of the inferior courts mentioned by that constitutional provision in which is vested the judicial power of the United States, the Constitution fixes the tenure of the judge. You have no more power to provide that the President may remove the judge of a constitutional court (by that I mean one of the inferior courts mentioned in that section and article of the Constitution) than you have the power to take my life without a trial or giving me my day in court.

Nothing is plainer than that. No man can dispute that. To say that under the other clause of the Constitution we have the power to confer whatever jurisdiction we please upon the Territorial court, to make the term of the judge what we please, is not at all inconsistent with my contention that we can not make a constitutional court in the Territory, because with the jurisdiction of the Territorial court and with the tenure of office of the Territorial judge we have the power to do precisely what we please.

It is said here by Chief Justice Marshall, speaking of those Territorial courts:

They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States.

I appeal from the Senator from Ohio to Chief Justice Marshall upon that proposition. Nor is that all. It is said here in the *McAllister* case—and there are a number of such decisions:

The acts of Congress respecting proceedings in the United States courts are concerned with and confined to those courts, considered as parts of the Federal system—

The Federal system—

and as invested with the judicial power of the United States expressly conferred by the Constitution, and to be exercised in correlation with the presence and jurisdiction of the several State courts and governments.

That has been the theory of all our legislation from the beginning.

They were not intended as exertions of that plenary municipal authority which Congress has over the District of Columbia and the Territories of the United States.

The power to create the constitutional court comes not from that clause of the Constitution, but it comes from section 1 of Article III, which fixes the tenure of the judge.

As before said, these acts have specific application to the courts of the United States, which are courts of a peculiar character and jurisdiction.

Again, the court says in this case:

Courts of this kind, whether created by an act of Congress or a Territorial statute, are not, in strictness, courts of the United States; or, in other words, the jurisdiction with which they are invested is not a part of the judicial power defined by the third article of the Constitution, but is conferred by Congress in the execution of the general powers which the legislative department possesses to make all the needful rules and regulations respecting the public territory and other public property.

Mr. HOAR. You can change that by act of Congress.

Mr. SPOONER. Of course, you can change that by act of Congress. Having fixed the tenure of the Territorial judge during good behavior, you may change it.

The trouble with the Senator from Ohio is that while very positive in his assertions he is blind while reading one clause of the Constitution to the judicial clause of the Constitution. I have admitted, and I admit now, that we have the power, in creating the Territorial court, to confer upon it such jurisdiction as we choose—admiralty jurisdiction and all; we have the power to make the tenure what we please. We have no such power as to the constitutional judge. We have the power to make the Territorial judge removable by the President. We have no such power as to the judge of a constitutional court.

We may confer upon the Territorial court admiralty jurisdiction. That is a subject to which the judicial power extends in section 2 of Article III of the Constitution of the United States; but Chief Justice Marshall says in this case that that provision of the Constitution did not deal with the Territories; did not deal with the power of Congress to confer maritime jurisdiction or admiralty jurisdiction upon Territorial judges, but that it dealt with this proposition only: That no court within a State should have the right to exercise admiralty jurisdiction of the United States except the Federal court, the constitutional court.

It has been said, and I myself so thought when I first considered it, that this decision of the Supreme Court in *Insurance Company vs. Canter*, holding that Congress could extend to a Territorial court admiralty jurisdiction, militates against the proposition which I have been forced, as a matter of investigation and reason, to maintain here, but it does not. Chief Justice Marshall says in this case:

A case in admiralty does not, in fact, arise under the Constitution or laws of the United States. These cases are as old as navigation itself; and the law, admiralty and maritime, as it has existed for ages, is applied by our courts to the cases as they arise. It is not, then, to the eighth section of the Territorial law that we are to look for the grant of admiralty and maritime jurisdiction to the Territorial courts. Consequently, if that jurisdiction is exclusive, it is not made so by the reference to the district court of Kentucky.

To which the Senator referred a few moments ago. Now, the court said:

Although admiralty jurisdiction can be exercised in the States in those courts only which are established in pursuance of the third article of the Constitution, the same limitation does not extend to the Territories.

There is a specific declaration that the admiralty jurisdiction mentioned in the second section of Article III of the Constitution as one of the points of Federal jurisdiction was not intended to apply or to refer to the courts in the Territories, but is intended only to refer to the Federal courts or the constitutional courts erected by Congress within the boundaries of the States.

The Supreme Court, in the *McAllister* case, say that this power was "intended to be exercised in correlation with the presence and jurisdiction of the several State courts and governments."

We can give the admiralty jurisdiction to the Territorial court, because it is an ancient jurisdiction, and because Congress, as the court many times has said, has plenary power, under that clause of the Constitution which gives it the power to make rules and regulations respecting the Territories, to confer that jurisdiction upon a Territorial court. I care not what you call it. You may call it a district court; you may call it a court of the United States; you may by statute place a Federal side on the Territorial court and call that a court of the United States, as contradistinguished from a Territorial court. The Supreme Court of the United States within the last year has recognized that distinction, based upon the statutes of the United States. But my proposition is that where you create a district court, as is attempted to be done by this bill, the section remaining silent as to the tenure of office, that tenure will not be for life, as the Constitution makes the tenure of the constitutional judge, but will fall under the general provision of the Revised Statutes fixing the tenure of four years for all Territorial judges.

Mr. CHILTON. Mr. President—

Mr. SPOONER. In one moment.

Take the Orleans case, referred to by the Senator from Ohio. The court there was called a district court in the Territory; you may call this a district court, if you choose. The judge there was called a district judge; you may call this judge a district judge. But, after all, it is not the shadow, it is the substance, we are after; and calling a court a district court and making the term of the judge during good behavior does not make it a constitutional

court or a court created under section 1 of Article III of the Constitution. When Louisiana was admitted into the Union, that court and that judge were superseded. What better evidence could there be that that was a statutory or Territorial court as contradistinguished from a constitutional tribunal? The constitutional judge is not superseded by any act of Congress and could not be superseded by any act of Congress.

Mr. CHILTON. You may abolish the office.

Mr. SPOONER. You may, as I was about to say, abolish the office, but you can not abolish the tenure nor limit the term. The distinction between the two courts, perhaps more theoretical in one sense than practical, is, to my mind, as clear as any proposition in law.

I am prepared to concede that there is very great force in the argument made by the Senator from Alabama [Mr. MORGAN] that the court which is to deal with admiralty questions over in the islands of Hawaii should be a more permanent court, so far as the tenure of the judge is concerned, than the ordinary Territorial court, because of its isolation, because they are islands of the sea, and because, in the very nature of things, the admiralty jurisdiction in all its phases will be more often invoked than perhaps in some of the settled States of this Union.

If that be true, Mr. President, we have the right to fix the term of this judge for longer than four years, if that is thought wise; and it may be wise for this reason, that possibly you could not, if the term were only four years, induce a judge of adequate experience and ability to abandon his practice and move away from our own people to take judicial office over there.

But that does not reach at all the question I am discussing. The very fact that we may make it a ten-year tenure, that we may make it fifteen years, or whatever we choose, shows beyond any possible question that that judge does not fall within the class of constitutional judges, with whose term or tenure we have nothing whatever to do here and over whose term we have no power or jurisdiction whatever.

Mr. STEWART. Will the Senator permit me to make a suggestion?

Mr. SPOONER. If the Senator will pardon me, I shall do so in one moment.

Really, the whole point of my proposition was this, to call to the attention of the Senator from Alabama this suggestion: If it be important in the interests of that people—and we all want to serve the interests of that people, however we may have felt about their annexation—if it be important to give to the judges of that court a longer tenure than four years, it should be provided in the section, and the section should not be left as it is—silent upon the question of tenure, on the theory that we are creating a constitutional court there.

Mr. MORGAN. The Senator appealed to me, and I suppose he will submit to an interruption.

Mr. SPOONER. Always.

Mr. MORGAN. It is not merely important for the interests of those people that we should have a Federal court there—

Mr. NELSON. Mr. President, I can not agree with the views expressed by the Senator from Wisconsin [Mr. SPOONER]. I think—

Mr. SPOONER. I yielded to the Senator from Alabama [Mr. MORGAN]. When he has concluded I shall then yield to the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. I wish to reply to the Senator from—

Mr. STEWART. I hope the Senator will allow me to make a remark before he does so.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. President, I wish to reply briefly to the Senator from Wisconsin.

Mr. STEWART. Will the Senator yield to me for one minute before he replies to him, and then he will have something more to reply to?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Yes.

Mr. STEWART. Mr. President, from the foundation of the Government the practice has been to remove judges of the Territorial courts by the President on the ground that they were not provided for by the Constitution. That has never been questioned once in any judicial decision that I know of. Judge McLean contended that they were constitutional courts, and that the President, therefore, did not possess that power. You will find one of his dissenting opinions to that effect. But the court held that it was not in the power of Congress to create judges of the Territories whom the President could not remove; that they were not constitutional judges within the purview of the Constitution; that they were simply legislative judges, created by the legislatures of the Territories, and subject to removal by the President.

Mr. HOAR. Did not the statute the court was expounding contain the power of removal?

Mr. STEWART. No; the statute is entirely silent on that point, and precisely that very question arose, and it was ably discussed and deliberately decided by the Supreme Court that Congress could not provide a judge for a Territory whom the President could not remove; that it could not fix a term, against the wishes of the President to remove the judge. That has been the practice, and it is sanctioned by the Supreme Court. Congress can fix the term of the judge at ten years or twenty years, but that will not make it so if the President sees fit to remove him.

Mr. NELSON. Mr. President, the argument of the Senator from Nevada [Mr. STEWART], as well as the argument of the Senator from Wisconsin [Mr. SPOONER], is founded, I think, upon failing to make the proper distinction. There is in every Territory, as there is in every State, a double jurisdiction. There is a local jurisdiction in our organized Territories arising under local laws of their own legislatures and the common-law system which has been applied to such Territories. That is Territorial jurisdiction. Now, when a court is created to take jurisdiction over that subject-matter, which is akin to the jurisdiction that the State courts have in the States, it is a Territorial court, and exercises Territorial jurisdiction, and is created under that clause of the Constitution which gives Congress the power to regulate and to control the Territories.

The decisions which the Senator from Wisconsin has quoted say that the Territorial courts are legislative courts. True; and why are they legislative courts? Because those courts are given that peculiar jurisdiction which is local to the Territories and is not the jurisdiction given in the third article of the Constitution to the Federal courts. In all those instances where we have created Territorial courts we have equipped them and given them, first of all, jurisdiction of their local jurisprudence. Then, in addition to that, we have given them, to a limited extent, jurisdiction of Federal jurisprudence. If we have a right to extend to those Territorial courts a part of the Federal jurisprudence of the country, we have a right to extend it and give it to other courts. There can be no trouble. The court established in this bill is, in one sense, a constitutional court. Article III, section 1, of the Constitution reads as follows:

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Technically, there is only one court established by the Constitution in terms, and that is the Supreme Court of the United States; but Congress is given power to establish inferior courts under this article; and what are those inferior courts? The second section of this article mentions them:

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

That measures and determines what is a Federal court or not—a court that has given to it that jurisdiction; and that is precisely the jurisdiction referred to in the judiciary act. A court that has no other jurisdiction than that is a constitutional court. Section 88 of this bill gives the court provided for here no other jurisdiction. That is exactly the jurisdiction that is given to the United States district and circuit courts in the States, and that is precisely the jurisdiction here given by the Constitution. So this court is purely a constitutional court, and the only part of the argument of the Senator from Wisconsin that I can agree with is that the judge of such a court would hold his office for life, as provided in Article III of the Constitution.

The other question which the Senator from Massachusetts [Mr. HOAR] injected into this debate—

Mr. SPOONER. The Senator is wrong in the statement he made a moment ago.

Mr. NELSON. Allow me to say to the Senator—and then I will answer him—none of the decisions he has quoted is germane to this question, for the reason that in every one of those cases the courts were properly legislative courts and not constitutional courts, because they had the local territorial jurisdiction confined to them. The court provided for in this bill has none of that jurisdiction, and hence it is not a legislative court in the sense laid down in those decisions. Now I will hear the Senator.

Mr. SPOONER. I hope the Senator did not understand me as saying that the Territorial courts, no matter what the jurisdiction given them, are constitutional courts.

Mr. NELSON. Is this a legislative court provided in this section of the bill? Let me ask the Senator, does this section in the bill give this court any other jurisdiction than is given by section 2 of Article III of the Constitution?

Mr. SPOONER. Of course not.

Mr. NELSON. If it has no other jurisdiction, why is it not, then, as much a court of the United States as a similar court in a State?

Mr. SPOONER. If the Senator wants me to answer that question, I will do so. I admit that it is within the power of Congress to confer all this jurisdiction upon Territorial courts. I do not dispute that at all.

Mr. NELSON. This can not be a legislative court.

Mr. SPOONER. It is a legislative court.

Mr. NELSON. It is a legislative court in the sense that the district courts and the circuit courts in the Territories are. They have all been created by act of Congress.

Mr. SPOONER. But the district courts and the circuit courts of the United States are in some sense legislative courts.

Mr. NELSON. Certainly.

Mr. SPOONER. But the term or tenure of the judges of those courts is for life.

Mr. NELSON. Is it not here? Would not this tenure be for life? I say, then, we agree that this tenure is for life.

Mr. SPOONER. We have the right to make the tenure of the Territorial judge what we choose.

Mr. NELSON. Not where you give him nothing but Territorial jurisdiction. Let me read the Constitution and see:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior.

When this court is created, if at all, it will owe its existence its jurisdiction, and its life to Article III of the Constitution.

Mr. SPOONER. Not at all.

Mr. NELSON. Yes, sir; because it has none of that local jurisdiction that is given in the case of the others.

Let me read here the law in reference to the Territory of Minnesota bearing upon this, and then the Senator will be able to see the difference. By the organic act of the Territory of Minnesota, the local Territorial courts were established—the district courts and the supreme court—and then, in connection with it, there is this clause added:

And each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States.

That is, conferring Federal jurisdiction on local Territorial courts. Here in this bill you have a separate and distinct Territorial court, and this court here has nothing of territorial jurisdiction. No case arising under the local law, under local statutes, or under local jurisprudence could be tried in this court, but only cases that would come under the judiciary act, or under Article III of the Constitution would be within the pale of the jurisdiction of this, court.

Mr. ALLISON. Did those judges hold for life?

Mr. NELSON. I think, under this clause of the Constitution, they would.

Mr. ALLISON. But did they? They were Territorial judges. Mr. NELSON. They were Territorial judges because they had a double jurisdiction, but this court has not such jurisdiction. In all these other cases that you have referred to and which are cited in the courts they had a double jurisdiction. They had a Territorial jurisdiction and a Federal jurisdiction. They were not pure Federal courts. But the court established by this section is a pure Federal court, with no jurisdiction of the local jurisprudence in the Territory of Hawaii. Hence, if we have the power to create it at all, it must be under this third article of the Constitution; and if it is a court under that clause and under that power, the judge will have life tenure.

Mr. TELLER. Will the Senator allow me? I want to modify my amendment by making it clear. It reads:

Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court.

I desire to add after that "of the United States," so that there will be no question about it.

The PRESIDENT pro tempore. The Senator from Colorado has a right to modify his amendment.

Mr. TELLER. I have a right to modify it, and I modify it as I have indicated.

Mr. BACON. Without detaining the Senate, if the Senator will pardon me, I wish to call the attention of the Senator from Ohio [Mr. FORAKER] to the fact that the act creating the Louisiana court, upon which he has commented, required that the salary of the judge should be paid out of the revenues of the Territory, which plainly indicates that it was not the purpose of Congress to make it a constitutional court. Otherwise the salary would certainly have been paid out of the Treasury of the United States.

Mr. FORAKER. I do not see in that any conclusive argument.

Mr. BACON. I simply suggest that as a fact.

Mr. FORAKER. I do not see any reason why in a Territory we

can not, if we see fit, provide that the judge shall be paid out of the revenues of the Territory or out of its treasury.

Mr. HOAR. Should not the amendment of the Senator from Colorado as modified be read?

Mr. CULLOM. It has been read.

Mr. HOAR. I ask that the amendment of the Senator from Colorado as modified be read.

The PRESIDENT pro tempore. The amendment as modified will be read.

The SECRETARY. On page 43 it is proposed to strike out all of section 88 down to and including the word "court," on line 5 of page 44, and insert in lieu thereof the following:

That there shall be established in said Territory a district court, to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district; and said judge, attorney, and marshal shall hold office for four years, unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit, in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law.

Mr. HOAR. I should like to ask the Senator if he does not intend to insert a provision also as to the method of impaneling juries, etc.?

Mr. TELLER. Yes; I will do that later.

Mr. MORGAN. Mr. President, we have enough questions now before the Senate, I believe, to engage our attention for a while, at least. The judicial power of the United States under our Federal Constitution and our State constitutions is divided into two branches, one of which is a Federal power or Federal jurisdiction, exercised exclusively under the authority and power of the Federal Government, the Government located at Washington, the other a State jurisdiction, which is local, which has nothing to do with the enforcement of Federal law, and not expected to be engaged in the exercise of that part of the judicial power. It is perfectly distinct.

The Congress of the United States, being in supreme sovereign authority over the Territories, has the right to establish in these Territories courts that combine the local powers that belong to State courts with the Federal power. That is in virtue of the fact of the supremacy of the jurisdiction of Congress over the subject. It has the power of the States to establish local courts or courts of local jurisdiction, applicable to local affairs, and also the power of Congress to establish Federal courts with Federal jurisdiction over Federal affairs.

The eighty-eighth section of this bill was intended to establish in the district of Hawaii a pure Federal district court. Of course, a pure Federal district court is a court of life tenure, fixed by the Constitution. Hitherto, in the organization of Territories, Congress has exercised the dual power of conferring upon the supreme court of the Territory or the district court of the Territory jurisdiction over local affairs, and also a certain jurisdiction in respect of Federal affairs. That is perfectly legitimate. Congress has the right to do it. Equally, I contend, Congress has the right to separate the jurisdictions there and establish one jurisdiction for local affairs and a separate jurisdiction for Federal affairs. It has the same right to do that in Hawaii that it has in any State of the American Union. It has as much power to do it.

The argument on the other side of that question, as I understand it, is that the court established by an act of Congress for a Territory can not be a Federal court under the Constitution. It is what is called a legislative court, says the Senator from Wisconsin; and there the confusion gets into the minds of the Senators, as I understand it, who have discussed this question, by using the word "constitutional" instead of "Federal" to describe the jurisdiction of the court that represents the United States in all of its actions and proceedings, civil and criminal. A district court of the United States is a constitutional court, and a supreme court of a Territory or a district court of a Territory is a constitutional court.

Mr. SPOONER. Sub modo.

Mr. MORGAN. Not sub modo at all. They are both complete and full courts, one Federal and the other local.

Mr. SPOONER. The Senator will allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. SPOONER. I admit that.

Mr. MORGAN. Then you admit your case out of court.

Mr. SPOONER. I do not. I admit that Congress has the constitutional power to create a territorial court. My claim is that those courts the judges of which, without any provision of law, have life tenure are courts provided for by section 1 of Article III of the Constitution.

Mr. MORGAN. This court, in section 88, as it was provided and reported by the committee, is a Federal district court, with a judge whose tenure is for life, which has all the jurisdiction and powers conferred by all the laws of the United States upon district courts, and also by this bill the powers that are conferred

upon circuit courts. That is legitimate. That is not disputed. So the only question between us at all is whether the Congress of the United States has the power to establish a Federal district court in a Territory. That is the question, and that is the only question in this whole business.

Congress has often exercised this power, in one case directly and in another case indirectly. They are very conspicuous cases. The District of Columbia is not a State, neither is it a Territory, and yet, on referring to the statutes giving jurisdiction to the District of Columbia, we find that the supreme court of the District of Columbia has the same identical jurisdiction that the circuit courts of the United States have; that is to say, the supreme court of the District of Columbia can exercise every power which can be exercised by circuit courts of the United States. There is the establishment of a court that is Federal, full Federal in its jurisdiction—not in a State, but in a district, the District of Columbia. So there is no restriction in the Constitution against the establishment of a circuit court of the United States or a supreme court of the District of Columbia with full circuit-court powers outside of a State and inside the District of Columbia. That is by direct legislation.

We have also more lately established a court of appeals in the District of Columbia which has a jurisdiction precisely coordinate in all respects with the jurisdiction of the circuit courts of appeals of the United States. We have established also district courts of the United States in the District of Columbia, and we have conferred upon them all the powers that belong to district courts of the United States. So we have in this District district courts with all the powers of district courts of the United States; circuit courts with all the powers of circuit courts of the United States, and a court of appeals with the powers of circuit courts of appeals of the United States. All of those judges have life tenure. They are appointed by the President and confirmed by the Senate. They can not be removed except by impeachment. Now, there the personnel of the court is exactly like the personnel of the district, circuit, and circuit courts of appeals of the United States, and the jurisdiction is the same, but the location is not in a State or in a Territory, but it is in the District of Columbia.

Is there, therefore, a constitutional objection against the location of a district, circuit, or appellate court of the United States at any other place than within a State? Is there some prohibition of that sort? The Constitution is absolutely silent upon the question as to where the court shall be located, and the point, in determining whether it is a Federal court or a Territorial court, is ascertained by two facts. One is the jurisdiction you confer—the leading one—and the other the tenure of office and the fact that it is created by act of Congress, although all those courts are created by acts of Congress. I admit that.

Now, there is another case—an indirect case. I have cited one that is positive and direct. I refer now to the district court of the United States in Oregon, which has full jurisdiction of all the laws of the United States in Alaska, which is a Territory, and in the Pribilof Islands, which are islands out in the bosom of the sea. Now, let us see what has been done by Congress on that subject:

Until otherwise provided by law, all violations of this chapter and of the several laws hereby extended to the Territory of Alaska and the waters thereof, committed within the limits of the same, shall be prosecuted in any district court of the United States in California or Oregon or in the district courts of Washington.

Offenses against the United States committed in Bering Sea and Alaska, that mere chrysalis formation up there yet of a Territorial government, may be prosecuted in the district court of the United States of California or Oregon or, as it was when the law was passed, in the Territory of Washington. Here, then, is comprehended the Federal jurisdiction of a very important character indeed; a jurisdiction under which the arrest of British ships has been made and the vessels brought into port and condemned as prizes; captured for violations of the laws of the United States, condemned and sold to parties, right through court, as if they had been captured and condemned in a prize court in time of war. The jurisdiction of the United States, its power to punish offenses against its laws, and against all of the laws that were then or might afterwards be extended into Alaska was conferred upon either of three tribunals, one of which was a Territorial district court and the other two district courts located in States.

Having done all this with respect of this most important and difficult jurisdiction and power to enforce our laws in Bering Sea and the Pribilof Islands and in Alaska, how can it be argued against these provisions of proposed law that they are unconstitutional? The Supreme Court of the United States, at the suit of Great Britain—not by that name, but in fact—tested the question on a writ of prohibition of the jurisdiction of these courts to come to final decrees in causes where ships had been captured for violations of the fur-seal act. Are we to hold here that there was no power on the part of Congress to extend the jurisdiction of the United States into the waters and over Territories which had no organized government at all or one that was the mere simulacrum of an organized Territory in Alaska?

Could we not, under the precedent in the Alaska case, extend the jurisdiction, for instance, of the southern judicial district of the United States for California so as to include the Hawaiian Islands and make all Federal questions that arise in those islands triable in the court for the southern district of California? We can expand the jurisdiction exactly as it was done in the case of Alaska. If we can do that, then the question arises—and it must be a very important one in the mind of a statesman—as to whether the court can be located in Hawaii or in Alaska, or whether it must be located in the bosom of a State.

There is no ground whatever in logic or law for the assumption that the Congress of the United States has any limitation whatever put upon its power to locate a district court of the United States at any place within the boundaries of the sovereign jurisdiction of this nation. We can locate a district court of the United States in Hawaii. We can do it in Puerto Rico. I am not quite absolutely certain that we could not do it in Cuba today, but surely with regard to the others we can. So we can in the Philippines, at Manila.

It has been supposed, at least the argument has assumed here, that this is a provision in this bill for the benefit of the Hawaiian people. It is quite the reverse. It is an act to hold the Hawaiian people and all those who go to Hawaii and visit Hawaii from the high seas under the constraint of the judicial power of the United States Government, administered through one of her regular courts and one of her regular judges, with a life tenure, if you please. And I maintain that for every reason and for every consideration that is one of the most important sections in this bill.

The Government of the United States, in establishing this Federal system, indicated in the beginning, and that has been the development of every step of our legislative procedure from the date of the Constitution to the present time, a purpose to have an independent Federal tribunal wherever the laws of the United States were in force, for the purpose of executing and administering those laws under the Federal jurisdiction and by Federal judges. Why was this? One of the great arguments for it was that a government like the United States ought to have a judicial establishment. It must not depend upon the courts in the Territories to furnish them with judges and courts. It would be a very incomplete government unless it had a separate Federal judicial establishment. Thereasons for that also were very various and very numerous and have been so elaborated in judicial action and decision that thousands of reasons have sprung up to justify the wisdom of our fathers when they established a Federal court for the purpose of exercising Federal jurisdiction.

A Federal court in a State, and so in a Territory, is not, Mr. President, a part of the local jurisdiction. It has no concern with the local laws, local litigation, or causes that may arise there, except so far as it may have a revisory power over those tribunals given to it by an act of Congress, such as the right of transfer of causes, or the like of that. But here we have a great volume of statutes, criminal laws of the United States. While I concede that a Territorial court may be empowered by Congress to administer all the criminal laws of the United States, is it wise to have in a Territory a judicial tribunal which has charge of all the local jurisdiction and at the same time charge of all the Federal jurisdiction? Is that safe?

Is it not better, wiser, and safer to separate these jurisdictions in Territories precisely as they are separated in the States? I maintain, Mr. President, that it is necessary for the complete occupation of one of these islands which have been annexed, particularly the insular portion of the country, that we should have established in them separate judicial tribunals, and one of the leading purposes of having a tribunal there is to correct and to control the population of those islands by the direct authority of the laws of the United States administered by United States officers.

I do not know how I would feel if I were to appear before the district court or the supreme court as it is organized in this act now of Hawaii, with a cause in which the United States was a party, whether it was civil or whether it was criminal, or a cause that involved the laws of the United States. I will take the immigration laws, the labor-contract law, the quarantine laws, and various others that I might cite. I do not know how I would feel when I should have tried a cause upon the local docket before that bench if I should then ask him if he would not turn over and try a cause on the United States docket.

I should feel, in many cases, that I had a court that was trying to serve two masters. There would be difficulty about that. I can imagine very easily—in fact we all can by looking back over our own recollections a little bit—cases in which the local courts have been quite antagonistic to the Federal court. There have been cases which have arisen in the Supreme Court of the United States where the State supreme court have refused to record decrees of the Supreme Court of the United States. There has always been, and there will always be, more or less of conflict between this jurisdiction, and the better plan is to keep them separate, to start that way, not mix them up, not having one set of judges to decide on Federal questions and the same judges to decide on local questions.

Now, in regard to the counterfeiting of coins, in regard to illicit distilling, in regard to the illegal importation of contract labor against the laws of the United States, or in the enforcement of our immigration laws, by which improper persons are shipped off and sent back to the country from which they came, at the charge and expense of the line of ships or the ship that brought them, can we not see at once that in cases of that kind the local court might be very much disposed to lean in favor of the local law enacted by the local legislature and supported by the taxation of the people who are interested in having this law violated or administered in some slack and imperfect way? Can not we understand that?

This commission, Mr. President, in looking forward to what we knew was coming and to what was surrounding us, undertook to carry to the islands of Hawaii as much and as full and as perfect a recognition of the influence and power of the Constitution of the United States as we knew how to do. So we subjected the islands of Hawaii to the customs system of the United States and to the internal-revenue system and to the postal system of the United States. We omitted nothing that we could think of. When we came to the judicial system, here was what was apparently an innovation—that is to say, a new thought created by a new necessity. We found the precedents that I referred to here and many precedents in the statutes of the United States that we thought fully justified us in putting there a distinct district court of the United States—a distinct Federal tribunal; and in doing that we would have the legislative, the executive, and the judicial establishment or power of the United States all represented on the islands.

Is there an objection to having the full sway of the powers of the Government of the United States in any part of this Territory? I can conceive of none, and beyond all question I can not conceive of any prohibition; I have never seen anything that squinted at a prohibition of the exercise of these powers. Therefore the commission felt free and encouraged and greatly satisfied that there was an opportunity there to exercise over those islands what the people wanted—the full power and jurisdiction of the United States. Why do we dole it out to them? Why do we give it to them piecemeal? Why do we apply to our Territorial laws here for the purpose of ascertaining what ought to be the laws enacted for Hawaii?

Are our Territorial laws consistent with each other? Have we got a Territorial system? In the Revised Statutes we attempted to put up a Territorial system; but could not do it. We had to make the general principles of the system apply to only four or five Territories, and make exceptions in almost every case in favor of some particular Territory of a very important power, a very important jurisdiction. Every one of these Territories had a special law applicable to itself, and it was impossible to put all these special laws in one general system. So the codifiers of these laws gathered together those that resembled each other most and put them in a classification, making the exceptions stand for the purpose of illustrating the differences between the respective governments. The first section, section 1851, provides:

The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States—

That is, every Territory; they are all there—
but no law shall be passed interfering with the primary disposal of the soil, etc.

SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to forty days' duration.

Justices of the peace are ordained by this act for all the Territories. Qualifications of voters:

SEC. 1859. Every male citizen above the age of 21, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of such Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory, and to hold any office therein; subject, nevertheless, to the limitations specified in the next section.

Section 1864 provides that—

The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

SEC. 1865. Every Territory shall be divided into three judicial districts.

That would not do for Hawaii. We can not include the Hawaiian Islands in three districts and have a resident judge within each district without putting the citizens to an enormous expense and inconvenience.

SEC. 1868. The supreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common-law jurisdiction.

Then it goes on with bills of exception. The next chapter takes up the distinct Territories and gives us the laws applicable to each one—and they are as various as the Territories are themselves—the jurisdiction of the courts, and the method of electing and appointing officers, and all that.

Now, out of that jumble it was impossible for us to extract a systematic plan of government for this Territory of Hawaii. We thought that it was as proper to differentiate the government in Hawaii according to the necessities of the country as it was in

either of these other Territories, where they are so greatly differentiated. There are no two of them alike, and never have been. They each had their separate local government, conformable, as far as was possible, to the wishes and the necessities of the people; that is all.

Therefore, shall we not take into consideration the fact that Hawaii is more than 2,000 miles from the coast of the United States; that it is a maritime state; that much the larger part of all the property that is ever brought into litigation in Hawaii, excluding the lands, comes from the sea; that the breadth of the maritime jurisdiction—not the admiralty merely, but the maritime jurisdiction—is almost inconceivable; and that it requires a judge to possess qualifications for that position that are not expected of a judge who resides, for instance, at Montgomery, Ala., or at Nashville, Tenn., or Raleigh, N. C., or anywhere in any of the interior? The judge in our interior States has nothing to do with admiralty and maritime jurisdiction, and he does not qualify himself for it.

Now, it is a lifetime study for the best men in the United States to master admiralty and maritime law. It is the most intricate, difficult branch of jurisprudence that we have to deal with, and that which concerns, which is a very important matter, foreign people as much as it does American people. The controversies are very seldom between American citizens; they are between the citizens of the United States and foreign people. A judge appointed for four years, who has got to go to Hawaii, must find out first of all something about the laws of that country. He must entertain jurisdiction of all criminal offenses committed in Hawaii against the internal revenue, the postal system, the currency system, the tariff system, and all of that. Then he must acquaint himself broadly, as broadly as the mind can be cultivated, up to the proper pitch with all the great jurisdiction covering maritime affairs. That man is to hold his office for four years, and to be tumbled out by the next political Administration that comes along.

Now, that is a travesty upon the real administration of justice. Ought we not to do better for those islands and for ourselves and our commerce, for the protection of the health of the coast and all that, than to send a judge there to be appointed for four years, who is trembling upon his seat all the time while he is presiding in his court for fear he may do something that is contrary to the political wishes of the administration that sent him there?

What becomes of that most essential of all the elements of judicial power, the independence of the judiciary? If there is one point in the Federal system better than all the balance, it is the fact that the Federal judiciary are independent of the President. It is a department in our Government. The executive, the legislative, and the judicial departments comprise our Government. That department ought to be as independent as the executive, or even more so; it ought to be as independent even as the great political department called the Congress of the United States, the legislative department.

I am for maintaining, Mr. President, the independence of the Federal judiciary in Hawaii. If that judge is appointed for four years or ten years, and can be removed at the beck and call of the politician who may be President of the United States, that man loses the great essential element of his office, its independence. That is my anxiety about this section of the bill.

I hoped, and I hope yet, that in the report made by this commission and in the bill predicated upon it there will be found a need for the exercise of the powers of the Government of the United States over the new possessions acquired from Spain. It may involve tariff questions or it may not. Yet I regard that as a mere question of policy. But, Mr. President, in the exercise of the functions that are devolved upon us in the control of these new acquisitions it ought to be understood that it is the Government of the United States, panoplied with all its powers, that sets its foot upon one of these islands. It ought not to go there grudgingly; it ought not to go there piecemeal and dole out its powers or its jurisdiction into the hands of local people.

Now, here comes another idea which is opposed to the views that I have been presenting. We all desire that the people in Hawaii and the people of Puerto Rico and the people of the Philippines shall enjoy all of the necessary powers of self-government that are requisite to establish in those islands a government republican in form. That is the mandate of the Constitution. We are all anxious that the powers of local self-government shall be conferred upon those people as far as it is safe to do it, and that they shall be cultivated into a higher condition than they are now, both as to extending the system of government and as to the practicing of the powers that we intrust into their hands.

It would have been right to give to the governor of Hawaii on the plan that we predicated and reported to the Senate the power to appoint these circuit judges and the supreme court. But the Senate has taken that power out of the hands of the governor, and instead of permitting it to be a power of local self-government it is a power to be exercised by the President of the United States, which, in that respect, may be called a foreign power; not essen-

tially foreign, but in that regard it is foreign, a power exercised very far from the place where the judge is to sit and hold his office. However, the Senate has stricken out that provision and has given to the President of the United States the power to appoint the three judges of the supreme court and the circuit judges there. We have not as yet provided, I believe, and I doubt if we do provide, for their payment out of the Treasury of the United States.

Mr. CULLOM. That is provided for.

Mr. MORGAN. It was put in?

Mr. CULLOM. That amendment was adopted.

Mr. STEWART. Will the Senator from Alabama yield to me a moment?

Mr. MORGAN. For a question?

Mr. STEWART. No; to make a suggestion. I ask unanimous consent that this bill be voted upon at half past 12 o'clock to-morrow. It is evident that we will not have a quorum here to-night to vote upon it. After we reach an agreement to vote to-morrow, we can talk as long to-night as we please.

Mr. MORGAN. Mr. President, before I respond to that request of the Senator from Nevada I wish to say a word about this bill. Hawaii to-day is in the enjoyment of a very excellent government, and will be until we change the law there. The laws of Hawaii were affirmed by Congress at the time of annexation, and there is no power to set those laws aside except the act of Congress. The President of the United States was required to administer those laws in such manner as he shall see proper, and through such agencies as he might select. That is as far as he can go. He can not set aside a law of Hawaii, nor can he disregard it; he must execute it. He can prescribe the manner of its execution and the officer by whom it is to be administered under our act.

Now, that government has had the right all the time to have its legislature convene and to proceed with its legislative work, so it did not violate the Constitution and laws of the United States. It has proceeded in its judicial tribunals to exercise the full breadth of their power, and, as I observed yesterday, men have been hung in Hawaii under the Hawaiian laws and under processes that run in the name of the republic of Hawaii.

That republic, although it is embosomed in the United States, is to-day in full vigor and power, and has but one master, and that is the President of the United States, who is required to execute its laws and not to break them or to set them aside. He has no power of that kind at all. Hawaii is collecting her own revenues from customs. She is collecting her internal revenue from her tax laws. That is the situation in which she is left.

There has been an advice on the part of the Attorney-General of the United States that it would be unwise on the part of the Hawaiians to go on and legislate and provide appropriations, for instance, for the purpose of putting down the bubonic plague. Those people there have had to put their hands in their pockets to an amount of hundreds of thousands of dollars to supply the community with the money necessary to suppress this terrible ravage, which did not originate in Hawaii, but which was imported there from China, and is now in Molokai, in Maui, and also in the island of Hawaii, and spreading through those islands, as it is to Aden, and to Lisbon and various other places in Portugal, and will be in San Francisco and in San Diego, no doubt, in a month's time.

That power of legislative appropriation ought to be exercised by the government of Hawaii, the Attorney-General's suggestion or request to the contrary notwithstanding, for they have got a perfect right to pass valid laws in that legislature. They have a right to the exercise of all their judicial functions and of all their tax-gathering powers. There is not a power that is wanting to the government of Hawaii except the power to hold intercourse with foreign countries and, in subordination to the will of the President, as to the manner in which laws shall be executed and the agents by whom it shall be done.

If I had to give advice to the people of Hawaii, I would advise them to stand by what they have got for a hundred years rather than to put up with this bill as it stands to-day; and rather than see this bill pass I would rejoice to see it defeated, for the Senate of the United States has not been willing at all to take any part, or very little, of what the Hawaiian Commission and the Committee on Foreign Relations have recommended, after the most studious and careful and impartial consideration of this situation; and they have attempted to create for Hawaii a government that is applicable to Arizona or to New Mexico, or something similar, entirely inapplicable to Hawaii—a poor, miserable, crippled affair; not only so, but a government that we hand out to them in this dilapidated condition, in the most virulent outpouring of abuse and scandal and slander on the floor of the Senate. If I were a Hawaiian, Mr. President, or if I had my way about this bill, I would rather vote it down than vote for it and let Hawaii stand where she is. She can always vindicate herself.

Hawaii has not cost us a dollar since she has been in the American Union, and she will never cost us a dollar. She can stay there under her laws and make money. Her people are already prosperous; and their prosperity has been disturbed only by one thing, and that is, by a visitation from on high—that is all. I would

prefer to see this bill defeated, so far as I am concerned, rather than see it crippled up and the whole scheme and system of it broken in two.

Hawaii is not suffering for our assistance, and if she is, it is her own fault. She has got the power, and the President of the United States does not dare to say that the Hawaiian legislature shall not assemble when an act of Congress authorizes them to do so. So she is not here in the attitude of a beggar. We have been supplicating Hawaii since the days of Franklin Pierce to come into the American Union. We sent our agent down there when Marcy was Secretary of State to negotiate a treaty with Kamehameha III for annexation, but the King died after the treaty had been agreed upon, on the day that his signature was to have been affixed to it, and that stopped it. From that day to this there has been always a party in the United States in favor of the annexation of Hawaii. When I came to the Senate of the United States instantly I joined that party, and I belong to it yet.

I do not know how much money I would take—in fact, I know I would not take any amount that could be named—to release the jurisdiction of the United States upon Hawaii. I do not believe there is a decent man in the United States to-day who wants to remand Hawaii to the condition of a republic and withdraw the jurisdiction and power of the United States.

Mr. CULLOM. Will the Senator from Alabama yield to me for a moment?

Mr. MORGAN. Yes.

Mr. CULLOM. The arrangement made yesterday afternoon was that this bill and all the amendments to it should be disposed of to-day. I do not know how long the Senator from Alabama desires to speak, but there are some Senators present who are waiting to vote, who have engagements for to-night. While I very much dislike that the bill should go over to-day, I should like to inquire whether, if we should by unanimous consent adjourn to-day, we could get a vote to-morrow at 3 o'clock on the bill and amendments by unanimous consent?

Mr. PLATT of Connecticut. Say 4 o'clock.

Mr. CULLOM. Well, any way to get this bill disposed of.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Alabama yield?

Mr. MORGAN. I yield for a suggestion.

Mr. CULLOM. Then I ask unanimous consent that this bill go over for the evening and that the bill and all amendments to it be voted on at 4 o'clock to-morrow afternoon, all debate to cease.

The PRESIDING OFFICER. Unanimous consent is asked by the Senator from Illinois [Mr. CULLOM] that the bill under discussion go over until to-morrow, and that to-morrow at 4 o'clock the Senate will proceed to vote upon the amendments and the bill, and that all debate shall then cease. Is there any objection to the request? The Chair hears none.

Mr. MORGAN. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. PETTIGREW. Will the Senator yield to me to present an amendment?

Mr. MORGAN. I yield for that purpose.

Mr. PETTIGREW. I wish to present an amendment to the pending bill, which I ask to have printed and lie upon the table.

The PRESIDING OFFICER. That order will be made in the absence of objection.

Mr. MORGAN. Under the arrangement the bill is to go over until to-morrow, I understand?

The PRESIDING OFFICER. Until to-morrow, to be voted upon at 4 o'clock.

Mr. MORGAN. I suppose that would, of course, take the bill out of the jurisdiction of the Senate at the present time. I merely want to retain the floor upon it.

The PRESIDING OFFICER. The Senator from Alabama will be entitled to the floor.

Mr. ALLISON. I do not wish to interfere with the arrangement which I understand has been made, but I wish to state that this bill will not be the regular order until 2 o'clock; and if the matter is to be debated at any length to-morrow it seems to me there ought to be some understanding as to the disposition of the morning hour.

Mr. CULLOM. I will state to the Senator from Iowa that the Senator from Massachusetts [Mr. HOAR] gave notice that he desired to speak in the morning hour to-morrow on the Quay case.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. The Chair is advised that the junior Senator from Georgia [Mr. CLAY] has given notice that he will speak to-morrow.

Mr. ALLISON. Then I make no further suggestion.

Mr. PETTUS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 1, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 28, 1900.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL in the chair, for the further consideration of the bill H. R. 8245.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245, and under the agreement we are now under the five-minute rule for the consideration of the bill, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of this act shall apply to the island of Puerto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which was ceded to the United States by the Government of Spain by treaty concluded April 11, 1899; and the name Puerto Rico, as used in this act, shall be held to include not only the island of that name, but all the adjacent islands, as aforesaid.

SEC. 2. That on and after the passage of this act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries.

SEC. 3. That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 25 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries, and in addition thereto upon articles of merchandise of Puerto Rican manufacture coming into the United States customs duties equal in rate and amount to the internal-revenue tax which may be imposed in the United States upon the same articles of merchandise of domestic manufacture; and upon articles of United States manufacture coming into Puerto Rico customs duties equal in rate and amount to the internal-revenue tax which may be imposed in Puerto Rico upon the same articles of Puerto Rican manufacture.

SEC. 4. That the customs duties collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of customs in the United States upon articles of merchandise coming from Puerto Rico shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Puerto Rico until otherwise provided by law.

Mr. PAYNE. Mr. Chairman, I offer the following amendment as a substitute to section 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk began reading the amendment.

Mr. RICHARDSON. Mr. Chairman, I rise to a point of order. There is so much confusion we can not hear the Clerk. I shall be glad, Mr. Chairman, if that amendment can be reported so that we shall be able to hear it.

The CHAIRMAN. The point of order is well taken. Gentlemen will cease conversation. The Chair does not want to name gentlemen, but will be compelled to do so if conversation does not cease and gentlemen take their seats. The gentlemen in front of the Chair on the Republican side will cease conversation. The Clerk will again report the amendment.

The Clerk read as follows:

SEC. 3. That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 15 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and in addition thereto upon articles of merchandise of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and on all articles of merchandise of United States manufacture coming into Puerto Rico in addition to the duty above provided upon payment of a tax equal in rate and amount to the internal-revenue tax imposed in Puerto Rico upon the like articles of Puerto Rican manufacture.

Mr. PAYNE. Mr. Chairman, in the original section there was some doubt as to the meaning of it, and the question arose whether we had not provided for the payment of a double internal-revenue tax. At the suggestion of members of the committee and my own, I went to the Commissioner of Internal Revenue and asked him to draw a section making it plain that only one tax was exacted. Under the substitute that was offered for this section the duty will be 15 per cent on manufactured articles, such as cigars and spirits coming into the United States, and also the internal-revenue tax, or an amount equal to the internal revenue, on like articles manufactured in the United States. Under the

general internal-revenue laws taxes are imposed upon goods withdrawn for consumption and this imposes a like tax upon goods withdrawn for consumption from the custom-house coming from Puerto Rico. The other amendment reduces the amount of the customs duties to be collected from 25 per cent to 15 per cent.

I would say to the House, Mr. Chairman, that I have been constrained to offer this amendment after consultation with gentlemen upon this side of the House. I still adhere to the original proposition, that 25 per cent would be better. It would produce more revenue; it would relieve the present strain and the present emergency. However, since the tax was put at 25 per cent I have learned that there are more goods on hand ready to be brought into the United States than I was able to ascertain at the time the rate was fixed at 25 per cent. It is stated that there are over 3,000,000 pounds of tobacco and a vast quantity of sugar ready to be brought in. In any event it will bring in a large sum of money for the present emergencies.

Mr. JAMES R. WILLIAMS. Will the gentleman allow me an interruption?

Mr. PAYNE. I have but a few minutes.

Mr. JAMES R. WILLIAMS. I would like to have you state what the estimated revenue under the bill as amended will be.

Mr. PAYNE. If the estimate was correct of \$1,750,000 for revenue in the first instance, taking three-fifths of that amount, it will amount to \$1,050,000. However, it is fair to state in that connection that the original estimate was a revenue from goods imported from other countries than the United States into Puerto Rico, which would pay the full duties under present tariff law, at \$500,000. If that estimate is correct, and I believe it is, within a reasonable margin, this would not affect that revenue, and there would be no reduction in that, but the reduction would be from the \$1,250,000 in the revenue which we hoped to obtain under the 25 per cent arrangement on all goods going into Puerto Rico and coming into the United States. Three-fifths of twelve hundred and fifty thousand dollars would be \$750,000, and that added to the \$500,000 would amount to \$1,250,000, and a reduction of \$500,000 under the bill as contemplated. But with the extra tobacco to come in and with the extra sugar to come in, all in the hands of merchants, probably the deficiency in the revenues under this reduction of 10 per cent would not be more than a quarter of a million dollars.

That is as nearly as I am able to state to the committee.

Now, I notice that gentlemen on the other side all through this debate have been talking about the inconsistency of the chairman of this committee. After hearing the remarks I made to the House last week and after having, some of them, read them in print, they have said that I made no explanation of the change. Still, every man who read those remarks and every man who heard them knows that I went into a full explanation of the reason of the change.

Why, the gentleman from Alabama [Mr. CLAYTON] yesterday sought to introduce into the RECORD a letter which I wrote when the first bill was under contemplation, and when it was my purpose to have it put before the House; and he also asked unanimous consent to print a portion of my speech in the RECORD. The RECORD appears this morning, and he does not print a word of my speech. I agreed to the request. I thought if he would print the whole of my speech, it might be a better speech than the gentleman would ever send out to his constituents in any other form. [Laughter.] I agreed to it, but the gentleman does not print a word of my speech. On the contrary, he prints a purported interview with me a day or two later, or about the same time, printed in a St. Louis paper, of the same purport practically as the letter. Now, I never had any interview, so called. I never gave out any statement which any man took down. I never made any statement in writing myself. I did converse freely with the people who came to me.

Mr. RICHARDSON. You do not deny the letter?

Mr. PAYNE. I do not deny the letter. Not only that, I am proud of the letter. I think it is a very good letter for a man to write under the circumstances, having to write fifty or sixty letters a day, and dictating to his stenographer. Under those circumstances, I think it is a very good letter.

Mr. RICHARDSON. We thought so, too.

Mr. PAYNE. I stand by the letter. Under the information I had then it was correct; and I stand by this bill. Under the new information which I have the bill is correct, and represents my sentiments upon the subject.

[Here the hammer fell.]

Mr. BERRY. Mr. Chairman, in the distribution of time on this bill I have not had an opportunity to address myself at all to the very important questions before the House; but it does seem to me that the explanation made by the chairman of the committee [Mr. PAYNE], after there has been so much legal lore expended in the consideration of this question, leaves us all still in the dark, because, when I read the decision first cited, of Chief Justice Marshall, it satisfied me that Puerto Rico was a part of

the United States. The chairman of the committee [Mr. PAYNE] comes in now with a proposition for the purpose of unifying the Republican side of the House, and to whip them all into line, at which he is an adept, and brought in a proposition this morning that he thinks will change the condition of things on that side of the House. In other words, he is going to commit petit larceny instead of grand larceny. He is only going to carry out a robbery of 15 per cent, when his original proposition was to carry out a robbery of 25 per cent against the Constitution of the United States.

I have listened to the profound legal arguments, and I have been impressed with the fact that it is strange how lawyers can split hairs as to what is embraced in the United States. It strikes me that if, when this country was originally named, it had been called Columbia, as it was anticipated that it would be, about 400 pages of argument that appear in the RECORD during this discussion would have been eliminated, because "Columbia" would have covered everything that belonged to this great country. But the very fact that it has been called the United States seems to have put the legal minds in this body in somewhat of a doubtful condition as to what the words "the United States" embrace in territory. If Puerto Rico belongs to anybody in this world, it belongs to the United States, and this body has no more right to require a different tax between this country and Puerto Rico than it has between any State of this country and any Territory of this country.

We have gathered a beautiful little island out there. I am proud of it. It lies on about the same parallel with Jamaica, one of the most beautiful improved pieces of ground upon the face of the earth, and we can make the same out of Puerto Rico under the influences of American industry. Now, what I would do rather than violate the Constitution, which is contemplated by this act, would be this: I would say, let us loan to these people the necessary means to repair the injuries that have been done there by the storm and by the change of government. Let us loan them three or five million dollars, whatever is necessary, rather than violate the Constitution of the country and the principles that are laid down for the guidance of this Government in the past by the Supreme Court. That would be my suggestion for the obviation of all the difficulties that exist here in the legal minds in this body.

Now, when we get into a discussion like this I am sorry to see my old friend from Illinois [Mr. CANNON] go back to the war and harrow up the ashes of thirty-five years ago. He reminded me of this picture down here in the hall called "Westward Ho," representing a man standing on a rocky point and waving the American flag. The gentleman from Illinois stood yesterday and waved the bloody shirt and tried to drag up the prejudices of the civil war for the purpose of unifying his party. I thought that time had gone by in the history of this country. I was one of those poor unfortunate Confederates who fought against the country, but I have taught my children to fight for the country, and I had them in the last war, and I do not like the idea, after thirty-five years, of reviving the spirit of those times. When the country sounded the tocsin of war against Spain for the relief of Cuba the people of the South, the men who followed the Confederate flag, were ready to risk their lives just as well as the people of the North, and did noble service, and it was hardly necessary for my old and distinguished friend, who had such a good chance to fight during the civil war and never raised his hand, thirty-five years afterwards to be engaged in waving the bloody shirt.

Now, our distinguished friend from Pennsylvania [Mr. DALZELL], who is considered one of the ablest lawyers in this body—and he is an able lawyer; he represents great railroad corporations, and he is a magnificent specimen of well-educated legal ability—he had the audacity—

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HOPKINS. I ask that the gentleman have five minutes more.

Mr. BERRY. I have been appealing to my friend from Tennessee [Mr. RICHARDSON] to give me time on this bill. I believe I am the first Kentuckian who has spoken—

Mr. HOPKINS. You shall have five minutes more if you will talk in the same strain.

Mr. BERRY. If you think it is doing you any good, you are welcome to listen to it.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] asks unanimous consent that the time of the gentleman from Kentucky [Mr. BERRY] be extended five minutes. Is there objection?

There was no objection.

Mr. BERRY. I do not think I have heard a Kentuckian speak upon this proposition since it was up here. I do not want to complain; but while almost every man from the State of Tennessee has been heard on this question, I have not heard a Kentuckian raise his voice, and I have not been able to get a moment of time before.

Now, as I was about to say, the gentleman from Pennsylvania [Mr. DALZELL], the best lawyer in this body, who, it is said, wrote

the report on this bill, has announced that he is willing to stand outside of the Constitution, for he says, in the inception of his argument, that he proposes to legislate outside of the Constitution; that he does not propose to have any regard for it or for the history of the country or the feeling of the people who reverence that instrument. If that be so, where in the world are we tending to, if we are to go outside of the Constitution and go to legislating to suit ourselves?

Gentlemen, every act passed here must be bound by that instrument, and if there is any one principle in that instrument more certain than another, it is that we should treat everybody who is under our flag upon a perfect equality, as is laid down in the Constitution. We have no right to make any discrimination against Puerto Rico. If it does not belong to the United States, it must still belong to Spain or to Puerto Rico. It belongs to the United States of America, and any legislation that affects that island ought to affect every Territory and State in this country; and we have no constitutional right to say that the people of Puerto Rico shall be required to pay a tax to bring their articles into this market.

Oh, but the trouble is, they say, about the Philippines. Well, now, gentlemen, all of this argument on Puerto Rico has been based on the Philippines, because you people are afraid if you make a rule as to Puerto Rico that is right and fair that it may in some way determine your action about the Philippines in the future. The Philippines belong to us as much as Puerto Rico. There is not any doubt about that; but I am not in a hurry to determine what we shall do with the Philippines. We have got them, and I propose that we hold them until we determine what is best for the United States to do with them, considering her own welfare.

If an individual owns a piece of property that is unsalable in the market to-day and which he does not know exactly what to do with, he is not going to part with it for a mere song. He will wait for an opportunity to realize the true value of the property. So the United States ought to do with the Philippines. Let us wait a better condition of things out there. If we think it an unwise thing to hold the Philippines, let them go under the best conditions we can command; but we are not obliged to hurry upon anybody's account. Thank God, the 80,000,000 American people behind that flag can do just about what they please upon the surface of this earth; they have done it and they will continue to do it, and in our own good time we will do whatever we think best with regard to the Philippines.

If that Malayan, Oriental civilization threatens to be an injury to the institutions of this country, then, I say, let those islands go for the interests of our people, because I love this Anglo-Saxon race on this continent better than any other on God's earth. But we will determine that question in our own good time, and we will not be hurried by anybody. Those are the views I wished to express on this bill. But let me say, gentlemen, that if you go before the people of the United States next fall with a violated Constitution you will find that you have a load to carry in the contest of 1900 that will worry you a great deal more than you will rejoice over the fact this morning, if by chance you are able to pass this bill, about which you have, I believe, a serious question in your minds, and only party fealty can bring you success.

Mr. GROW. Mr. Chairman, whether Puerto Rico is or is not territory belonging to the United States has nothing to do with the question before the House at this time. What shall be the provisions of the Territorial government to be established for the people in Puerto Rico or any other of the possessions which we received from Spain by treaty at the close of the war has nothing to do with the present question. A number of the newspapers of the country and a large part of the public generally, misunderstand entirely the question which Congress is now called upon to act, not being aware that in a Committee of the Whole House on the state of the Union all questions are in order for discussion that any member desires to discuss.

This ten days' debate has been devoted in large part to discussing the question whether the whole Constitution or any part of it extends to territory as soon as it is acquired, without action by Congress. What we shall do with the Philippines has nothing whatever to do with this question. What is the question really before us? Puerto Rico to-day has a military government, and the laws in force in that island when the treaty with Spain was concluded are in force there now, unless they have been changed by this military government. It is proposed in the bill now before us to change the tariff now existing there, whether it has been changed by the military government or not. Those people will remain under a military government until this Congress takes action on the subject, and all their imports into the United States would pay the duties of the Dingley tariff. Let that fact be borne in mind.

We are not legislating for the establishment of a Territorial government for that people. The military authorities can deal with the government there until Congress provides a civil govern-

ment. While the military government can make any change it may decide upon with reference to imports into that country, it can not make any change in the duties to be paid at our custom-houses upon imports from that country.

The bill before us simply provides, as the surest and best method of relief to those people in their present distress, produced by the terrible tornado that swept those islands and destroyed their property and their industries, that all their imports shall pay only 15 per cent of the duties now payable under the Dingley bill; and that exports from this country to that island shall pay duties at the same reduced rate; and the money thus collected, there and here, is to be kept in a separate fund and paid over by the President to the people of Puerto Rico to relieve their distresses and aid them in reviving their prostrate industries. Yet gentlemen here denounce this act as "robbery." Robbery of whom or what? Nothing but the Treasury of the United States is affected by the bill. No dollar is taken from the people of Puerto Rico. Every cent of the money paid on imports either way is paid over to those people; so that they have open free trade in reality with this country on all imports or exports passing between the two countries. That is the "robbery."

Now, there are only two methods open to us for relieving the distresses of those people. I take it for granted there is not a majority in this House so recreant to the cause of common humanity that it would impose upon those people a debt of \$10,000,000, borrowed on bonds bearing 6 or 7 per cent. This would be worse treatment than they received from Spain. There is only one of two methods open to us to relieve these people. First, to vote money out of the Treasury to relieve them. If the method proposed in this bill can not succeed, I am ready to vote money out of the Treasury for that purpose; but I would not vote to impose one dollar of indebtedness upon the people of that island in their present distressed and miserable condition.

Now, I would adopt on this question the rule which I have followed ever since I entered public life. When called upon to act upon any public question with reference to which a question of doubtful constitutionality arises, I adopt the construction which in my judgment will contribute most to the greatness and glory of my country. [Applause.]

Mr. DE ARMOND. Mr. Chairman, I wish to call attention again, as was done in general debate, to the peculiar phraseology of section 3 of the bill. I shall invite the attention of the House to a fact which, it seems to me, is obvious and can not be explained. This peculiar phraseology was adopted not by chance, not because it is that which would occur to any man naturally, but for the sole and evident purpose of endeavoring to evade the provision of the Constitution which denies to Congress the power to levy export duties. Note the language:

That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry, etc.

Now, who, without a special object in wording that phrase, would violate all the ordinary rules of construction, would depart from all the usage of those who express thought with a degree of clearness and according to the rhetoricians—who would do that unless he had some special object in view? "Coming into Puerto Rico." What do you gentlemen standing at the American end mean by "coming into Puerto Rico from the United States?" Imagine a man talking about "coming" into another man's house from his own! The natural phraseology, the ordinary expression, that which would certainly be employed except to evade the Constitution, would not be "coming into Puerto Rico from the United States," but "exported from the United States to Puerto Rico."

Then, again, note:

Entered at the several ports of entry.

What ports? Of course they mean the several ports of the United States and the several ports of Puerto Rico. Again, the ports of Puerto Rico and the United States are part and parcel of the same thing, and they must be; and yet this peculiar phraseology is employed to evade the provision of the Constitution which prohibits the exacting of export duties. If for no other reason—if this act were constitutional in every respect—it is clear from the extraordinary phraseology employed, clear from the fact that this extraordinary phraseology is employed, that an effort is made here to evade the provision of the Constitution to which I have referred. If the Constitution were regarded, reason could not be found for this violation of the rules of grammar, this disregard of what is taught by the rhetoricians.

But, gentlemen, you can not get rid of the Constitution simply by marring the English of your bill. I presume I should say the Queen's English, because some gentlemen certainly have as much regard for the reigning Queen as they have for the mighty Republic. They are departing from the general use of fitting words in the English language, not because they do not know better, but because, knowing better, they hope to shield themselves in the violation of the Constitution by violating the lesser things at the

same time that they are violating the greater—violating the king's English in order to cover a violation of the Constitution.

Attention was called to this in general debate, and if nothing else were unconstitutional in the bill—and it is unconstitutional from start to finish—this alone would be enough to brand it as unconstitutional, because it is levying export duties, unless by a mere trick of words and a misuse of words—unless by saying "coming" when you mean "going," when going is the word in proper usage—you get rid of that provision of the Constitution against export duties. [Loud applause on the Democratic side.]

Mr. GRAFF. Mr. Chairman, we are about to conclude in this House one of the most important debates since the war. The discussion on the Democratic side, so far as the principal speeches are concerned, has not been upon the bill itself. The incidental criticism of the bill and the pretense that it is oppressive to the people of Puerto Rico by that side of the House are merely incidental and have no permanent place in the future importance of this debate or its permanent influence. I am aware there is some popular criticism of this bill and a very large and extensive newspaper criticism of the bill, but I believe that the criticism from both sources has been largely the outgrowth of a misunderstanding of the provisions of the bill itself, and in the criticism by newspapers of the bill in general terms there has been very little, if any, explanation of the actual provisions of the bill itself.

So far as I am concerned, I am in favor of the bill itself as a practical measure for present needs of the people of that island, and am also a believer in our right to legislate for the territory recently acquired by us unhampered by the Constitution. In this latter contention I understand that we have the support of the President as to our right and its limitations. Nor do I believe that the bill itself is a very serious or marked departure from the recommendations of the President made in his message on the meeting of Congress in which he recommended free trade to that island between us and the people of Puerto Rico. I pretend no right to speak for the President. No man is more loyal to him, has a higher personal regard for him; nor is there anyone who has any more respect for his judgment or a greater desire to be in line with his policy.

I will first discuss the features of the bill and its adaptability to present needs. The bill is limited in its operation to two years, and may be repealed before that time. It is regarded as only a temporary expedient. Nor does it show either a lack of wisdom or courage for us to be cautious and to some extent experimental in our methods in dealing with these new and delicate problems involving the dealing with the government of a new and strange people, entirely ignorant of the principles of free government and absolutely without experience in the practical operation of a republic. The bill levies in duties 15 per cent of the Dingley rates upon all goods shipped to the United States from that island and all goods shipped to the island from the United States, and devotes every cent of all that revenue to the island of Puerto Rico for building schoolhouses, of which they have none, and roads, of which they have almost none, thus inaugurating a means for education of the people and the facilities for transportation and communication between themselves.

Under present conditions the people of the island are paying full Dingley rates on all goods not free under the Dingley Act, shipped to the United States from the island. The President, under the military power, has provided a modification so far as goods shipped from the United States to the island, especially on breadstuffs and other articles of general necessity to that people; but the position of the Administration, as I understand it, is that the President has no power under the military authority to make any change from the present full Dingley rates now existing on all goods shipped from the island to the United States, and that it is necessary for Congress to act to effect any change in that direction. The main market of the island prior to its annexation had been with Spain, fostered by a tariff system calculated to encourage the island to trade with Spain, and practically prohibited from shipping goods to other countries.

Immediately upon the annexation of our insular possessions Spain raised her duties so as to practically shut out the products of Puerto Rico from that nation, so that commerce is paralyzed in the products of Puerto Rico under existing condition, and to encourage the shipping of the products of Puerto Rico to this country the present bill was introduced, lowering the tariff to 15 per cent of present rates and giving to Puerto Rico a fair degree of freedom of trade. In a word, it was believed that it would be as near free as we could make it and at the same time provide the most unobjectionable methods for raising a revenue for the relief of that island which was so much needed. It must not be forgotten that it lifts 85 per cent of the tariff rates off of the products of the island and gives it a market far better than they ever enjoyed in all their history and far freer and more advantageous than they ever enjoyed before.

The necessity for at least \$1,500,000 per year for several years for public improvements in the island, that they may commence the

upbuilding of their people in intelligence, in morals, in material wealth and prosperity, is conceded. There can be no controversy except about the method. After the message of the President recommending free trade at the beginning of this session additional information came to the Committee on Ways and Means of this House, who reported this bill, as to the condition of the people in the island. The island is densely populated with a people numbering about 1,100,000. It is shaped somewhat in loaf fashion. Its principal products are sugar, raised upon the coast lands, tobacco on the table-lands, and coffee on the mountain lands. The mountain ranges are in the center of the island, generally speaking.

One-third of its population are absolutely without property. An average of only \$5 worth of property is owned per family. Only 15 per cent of the people of the island can read or write the Spanish language, and only an inconsiderable fraction of them speak the English, much less write it. Eighty per cent of children up to 8 or 10 years of age go nude, and probably 90 per cent of all the people wear no covering for their feet. They have lived in an oppressed condition for several centuries under Spanish oppression. They are kindly, not inclined to be belligerent or hostile to the United States, and, so far as they know, are undoubtedly willing to conform to the requirements of our Government. They are willing pupils in the school of self-government, but the transformation from their present condition into the high stature of our ideal of American citizenship can not be accomplished in a day or in several years.

There is no disposition in this House to feel other than kindly to those people coming as they did under our flag without resistance, but it must not be forgotten that self-government is not only a condition, but is a duty and responsibility which the one enjoying its privileges must meet and perform. The most important crop of the island, recently destroyed, is coffee. That, however, is free and is not affected by the present legislation. The next most important crop is sugar, of which the present crop will furnish for export 45,000 tons. The consumption of sugar in the United States last year was about 2,000,000 tons, of which 600,000 tons was furnished by the free sugar of Hawaii, the cane sugar of Louisiana, and beet sugar of the Northern States. The representative of the beet-sugar industry who appeared before the Committee on Ways and Means admitted that the admission of sugar free of duty from Puerto Rico, even should the product be doubled, would work no injury to the beet-sugar interests.

His fears were that we would pass a free-trade measure with the island of Puerto Rico, and that might be regarded as a precedent for free sugar from the Philippine Islands and eventually from Cuba. It will be noted, therefore, that in the passing of this bill now pending we would assert the right to discriminate between Puerto Rico or the Philippine Islands and the United States. Thus we would establish a precedent which if followed would enable us to protect the cigar makers and the growers of tobacco as well as our beet-sugar factories in the United States from the products and cheap labor of the Philippines, where the condition is much more important and the menace much greater. If we do not pass this bill, we must pass a bill appropriating money directly out of the Treasury of the United States from its general fund for the temporary relief of this people, even if it does bring upon us the opposition of the gentlemen on the other side that we are about to enter upon a so-called colonial system which will carry a permanent necessity for the expenditure of our own public funds.

The third proposition, to bond the island, which has been seriously advocated by some of the representatives in Puerto Rico, I reject as unworthy of consideration. The island is free from debt. Let it remain so. It will thus be seen that this bill is absolutely defensible as a method to the end and is defensible from a humanitarian standpoint. Ordinarily our territory in the past has been improved and its governmental expense, so far as its internal political system is concerned, is obtained by internal taxation upon the people of the territory. It is expected that Puerto Rico will be no exception to this rule and that it will be self-supporting, for the island is fertile and produces bountifully and readily. The present crop of sugar and tobacco now stored on the island does not belong to the people, but has been bought up by the sugar and tobacco syndicates, waiting for free trade to ship it to the United States. Therefore the people will not pay this tariff, but the owners of the crop, the speculators, will be called upon by this bill to contribute a portion of their profits to the people of Puerto Rico.

But no scheme of internal taxation levied direct upon the property of the people generally or a resort to our general internal-revenue tax would be feasible to the island. The present bill imposes internal-revenue tax upon tobacco and spirituous liquors shipped from the island on its reaching the mainland, as it should, but no one pretends that an extension of our internal-revenue system there would furnish the revenue desired or would be applicable at the present time. But the permanent feature of this debate, I reiterate, is the contention upon the Democratic side, joined by perhaps a half dozen members upon this side of the

House, that the Constitution extended over these insular possessions at the moment of the ratification of the treaty of Paris and our acquirement of this territory, making, at that moment, the inhabitants of the islands of the Philippine group, as well as Puerto Rico, American citizens, endowed with all the rights and privileges of American citizens.

On the other hand, we have opposite contention by the Republicans, joined by a few of our friends on the opposite side, that the Constitution does not so extend and that the people of those islands are to be legislated for under the wisdom of Congress. This has been the burden of the debate and the main topic of discussion. It must be remembered, if this be true, that the Democratic Senators who joined in voting, first, for the ratification of the treaty, and without which it could not have been ratified in the Senate, and, secondly, the voting of our Democratic friends in the House for the appropriation of the \$20,000,000 provided for in the treaty as part consideration to be paid Spain for the Philippine group, shared equally with us the responsibility for the accession of this insular territory. Mr. Bryan, it was claimed by his friends in the Nebraska campaign, resigned his position as colonel in order to hasten to Washington to urge the ratification of the treaty of Paris and the consummation of the transfer of the territory.

It is a condition which confronts us, not of the annexation of the territory, but of the methods of dealing with and the government of that territory.

Thomas Jefferson, the great strict constructionist of the Constitution in theory and the most liberal constructionist of that instrument in practice, has set us very valuable precedents in this matter. His public utterances are no longer the only source of our information as to his opinions concerning this matter at this time, for his private correspondence concerning the acquisition of Louisiana territory are now just as public and just as much a part of his history and of the history of that time. He at first entertained doubt as to the constitutionality of the annexation of the Louisiana territory and advised an amendment to the Constitution to legalize that act, but subsequently wrote private letters, now public, to the members of both Houses, who were his friends, not to agitate the question of constitutionality, but to proceed under the Constitution as it then existed. And in 1803 there was passed first an act providing that all "military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct." Afterwards a second act was passed vesting in more detailed form the same power, and that, too, notwithstanding the following provision of the treaty for the cession of Louisiana:

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

Similar provisions to that in the treaty concerning Louisiana also appear in the treaty with Spain for the Florida purchase, the treaty with Mexico for Upper California and New Mexico, the treaty with Mexico for the Gadsden purchase, and the treaty with Russia for the acquirement of Alaska. All refer to the conferring of constitutional rights as citizens upon the inhabitants of the ceded territory.

In the interpretation of the decision of the Supreme Court of the United States upon questions arising in these territories it must be remembered that those decisions were made in view of the stipulations of those treaties, for treaties as well as the Constitution are the "supreme law of the land."

Article IX of the treaty of Paris, annexing Puerto Rico and the Philippines, was made with a full knowledge of the departure from the provisions of prior treaties when it contained the following words:

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

I for one believe, after listening to this able debate and hearing the important decisions of the Supreme Court discussed pertinent to this subject, that the Supreme Court will not depart from the past doctrines laid down in deciding that Congress is vested with unlimited power by Article IV, section 3, of the Constitution, providing that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

If there were no such provisions of the Constitution, I believe that under our sovereign power as a nation we have the right to acquire territory, and after it is acquired determine the time when and the manner in which we shall confer the constitutional rights enjoyed by citizens upon the inhabitants of the territory.

I am not prepared to admit that the Constitution prevents us from gradually leading a people whom the fortunes of war may have thrown under our flag from ignorance up to that capability which would warrant their being crowned with the rights and privileges of American citizens without the danger of their be-

coming citizens by force of the Constitution itself at the moment they came under the sovereignty of our nation. I am not prepared to accept the doctrine which would prevent us in time of war, moved by any exigency, from seizing any island or territory of a nation with whom we were at war without showering down upon the heads of the denizens of that island the sacred rights and responsibilities of American citizenship. I have too high ideals of liberty under law, of the requirements and capabilities of a self-governed people, to accept such a doctrine as that unless compelled to by the adjudication of our highest court. It would be unkind to suggest that, having possession of the islands, any party would pursue a policy or insist upon principles which would hamper us, so that in the performance of our duty to these peoples we should be compelled to work serious injury to ourselves, and especially the men who earn their bread in the sweat of their face.

In contending for the doctrine of the power of Congress, free from constitutional limitations, to legislate for the islands in both oceans I have no fear of any Congress taking such power to oppress either people. Moved by their own patriotic sentiments—yes, compelled by an always patriotic people—legislation would always be framed with a view to the largest liberty consistent with their situation and with an anxiety to confer citizenship whenever the civilization of the island had reached that degree of advancement which would enable those people to stand on the same level with us and participate in the responsibilities as well as the privileges of our free Government. [Applause on the Republican side.]

[Mr. FITZGERALD of Massachusetts addressed the committee. See Appendix.]

Mr. BROMWELL. Mr. Chairman, during my absence from the House last week, and supposedly in reply to some remark which I had made on the previous day, one of my colleagues from Ohio put into his speech a reference to my position upon the questions involved at the opening of the Spanish war, and in that referred to me as one of those who held "secret conclaves" to defeat the policy of the President of the United States.

I make no comment upon the fact that this and other remarks were made in my absence when I had not an opportunity of immediate reply. It was at least discourteous from any member of this House, and particularly so from a colleague of mine from the State of Ohio. The gentleman has become so used to strong language and abuse in his treatment of gentlemen on the other side of the House that he attempts to adopt the same methods of argument with those who differ with him on this side.

That kind of argument, Mr. Chairman, has no possible influence upon me. Ten words spoken in the quiet recesses of the Executive chamber would have more weight with me than all the abuse the gentleman could heap upon my head, whether it be deserved or undeserved.

The gentleman speaks of a "secret conclave" held at that time. I shall mention no names, but gentlemen who occupy seats on this side of the Chamber know that many on this side, as many as 90 members and over, met in the library in this building for the purpose of discussing this question, believing it for the interest of the American people that action should be taken and taken promptly. Many of these are amongst the most prominent gentlemen who occupy seats on this side of the House—members of the Committee on Ways and Means and of other important committees. Why did the gentleman not include them in his reflections, which he has sought to cast upon me?

He also relegates me to the tender mercies of the cigar makers of my district. Let me tell that gentleman that the only protest from the cigar makers in my district has been a memorial asking me to vote against the passage of this bill. And why? Because they want the full Dingley tariff measure to apply to cigars imported into the United States from Puerto Rico. If the gentleman wants the political support of the cigar makers of my district and of other districts throughout the other States of the Union, why did not he, as a member of the Committee on Ways and Means, take care of them by providing that as to manufactured cigars coming from Puerto Rico into the United States the full tariff should apply, for the purpose of giving them the protection which they think they require? Why not give them the full benefit of the Dingley tariff if you want to secure their support? I can tell the gentleman that they are just as much against 25 or 15 per cent tariff as they are against free trade. It would be of little advantage to them.

I might, Mr. Chairman, if I wanted to be as ungenerous as my colleague, remind him also of the fact that he has many old veterans in his district. I might remind him of the fact that he is the author of a bill for a service pension, introduced in the House, and which has been pending for three months before the Invalid Pension Committee of the House, and during that time the gentleman has not appeared before the committee to give a hearing on that bill, as I am informed. [Applause and laughter]

on the Democratic side.] I might remind him also of the fact that this will not commend him to the old soldiers. I might relegate him to the tender mercies of the veterans of his district, as he did me to the tender mercies of the cigar makers in my district; but I will not do anything so unkind as that.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BROMWELL. Can I not have a few minutes longer?

Mr. SHATTUC. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to occupy the floor for five minutes longer. There was no objection.

Mr. BROMWELL. Now, Mr. Chairman, as to the gentleman who is so anxious that I should have the five additional minutes of time, I have another comment to make. Any gentleman who will read in the RECORD the remarks of my colleague from Ohio [Mr. GROSVENOR] will see that the gentleman was anxious to interject himself into that speech as in this. I leave it to his conscience as to the purpose and object he had in view. I had no comment to make upon such treatment by a colleague from my own State. I will leave that matter to himself.

Now, as to the merits of this question, I am to-day as firmly convinced as I ever was that the proper treatment of the Puerto Ricans would be to give them free trade. But, Mr. Chairman, I recognize this condition of affairs: A certain number of Republicans on this floor believe that we have no constitutional right to make a difference between the Puerto Ricans and other citizens of the United States. I do not join in that belief. If the question could be so separated that a distinct vote could be had upon the one question, as to whether or not it is good policy, justice, and fair play to the Puerto Ricans that this distinction should be made, I should insist upon the position which I have taken. But with the question so complicated, with the constitutional question so involved that it is impossible to separate the two, I frankly say I have serious misgivings as to my duty in this matter.

I think I commit no breach of confidence when I say that I have discussed this matter fully and frankly with the President of the United States and at his request. I think I commit no breach of confidence when I say that I believe that the passage of this bill is earnestly desired by those who three months ago advocated the free-trade measure. [Applause on the Republican side.] I believe that the great majority of the people, the Republicans and Democrats of this country who have been sincerely opposed to this bill and are opposed to it to-day, so much so, I have no doubt, that if a popular vote were taken in this country the bill would be badly defeated—I believe that the motive which actuates them to-day is the feeling that the Committee on Ways and Means of this House have in some way antagonized the President of the United States; and I believe that when the people of the United States know that this Republican side is acting in accordance with the wishes of the President of the United States there will be a change of sentiment.

Now, it is a matter of no importance to the country and of very little importance to me whether I ever come back to this House again, but it is of importance not alone to me and to my party but to the country that the Republican party should remain in power. [Applause on the Republican side.] And, therefore, although, as I said a while ago at the opening of my remarks, I believe that justice and fair play demand the treatment of the Puerto Ricans that we give to other inhabitants of our territory, I am willing to concede my own sense of justice to the extent of supporting and standing by my party in this emergency. [Applause on the Republican side.]

Mr. MCRAE. Mr. Chairman, this is a remarkable bill. It has been thoroughly discussed, and the debate upon it reflects great credit upon the research and ability of those who have taken part in it. I can not discuss it as I would like to do in ten minutes, but there are a few historical facts which I desire to call to the attention of the committee.

Since the United States taught England how to govern her colonies she has never attempted to levy taxes upon her colonies without their consent. When the island of Mauritius, in the Indian Ocean, was, as is stated by General Davis in his testimony before the Senate committee, swept over by a cyclone similar to that which swept over Puerto Rico last year, she guaranteed the interest upon ten millions of bonds, but neither in that island nor any other island has the English Government ever sought to levy a tax upon her colonies. She has often permitted her colonies to levy taxes and issue bonds.

Now, Mr. Chairman, contrast that action on the part of that imperial government, which believes in colonies, with the action proposed by the Republican party here for a republic that came into being by a fight against colonial government. To lay the heavy hand of the taxing power upon the island of Puerto Rico in her present condition without representation, without her consent, and against her protest, is an outrage both against the people of Puerto Rico and of the United States, for this bill taxes both.

Gentlemen on the other side have not correctly stated the position of the Democratic party. They persistently insist that we are opposed to expansion; and perhaps as that word is understood by them it is correct. But I want it distinctly understood, for myself, and I believe for a very large majority of the Democrats of the country, that we do not oppose a natural and legitimate expansion of trade and commerce, and we stand ready at any time to assist in removing all the barriers to it, and, too, are ready to take up and pass a bill to authorize the construction of the Nicaragua Canal, to be owned by the United States, without regard to the Clayton-Bulwer treaty, which, I believe, has been violated by England, or the present pending treaty, known as the Hay-Pauncefote treaty, which, in my opinion, ought not to be ratified by this Government.

We do not, of course, favor the enlargement of our trade and commerce by force of arms; but wherever our trade can be increased under proper laws not inconsistent with the Constitution, and the principles of home rule and self-government not endangered, we are for it. But we are opposed to the extension of the colonial system of government anywhere our flag floats. We are for the Republic and against the empire now as we have been in the past.

I have believed, and still believe, it is the duty of Congress to declare its purpose in relation to our new possessions. We have a quitclaim but contested title to the Philippines, and an unqualified title to Puerto Rico. But whatever right we have to either, it is due to the people of those islands that we should say to them and to the world what kind of a government we are to give them. By this bill the majority indicate their purpose to govern them as colonies. For myself I believe that we ought to fix the status of Puerto Rico at once, and also to declare that as soon as practicable after the suppression of the present insurrection in the Philippines we will give the people a free, stable, and independent government. I would not have the American soldiers withdrawn while under fire and leave the Filipinos armed, but I think the war would end if we should say to them that we intend to secure free government and promise them that we will protect them as against all outsiders. I believe it is the desire of the people of the old United States to ultimately give them that kind of a government and to protect them until they get it. When it is finally established it should be the government of those people and not ours.

I think I am not unfair to them when I say that the majority are opposed to this policy and do not mean that it shall be done, because in the Fifty-fifth Congress they voted down the Bacon resolution, which sought to declare such a policy. The voting down of that resolution and the passage of this bill will make the issue between us clear cut.

It seems to me that the pending bill can not be justified under the Constitution or by any principle of justice. The idea that these are Territories of the United States, or belonging to the Union, if you prefer it, and yet the Constitution does not apply to them, seems to me to be unreasonable and indefensible from any standpoint. Democrats differed as to whether it was best for the United States to annex Hawaii, Puerto Rico, and the Philippines, but they all agree that being American territory the residents thereof are entitled to all the protection of the Constitution, the blessings of personal liberty, and the same freedom of trade as now exists between the States and Arizona, Indian Territory, New Mexico, Oklahoma, and the District of Columbia. They do not believe that under our system of government there can be subjects in one part and citizens in another. I will not undertake to discuss the constitutional question except in a very limited way, because that ground has already been very ably and carefully covered by gentlemen on both sides.

If these territories are not now a part of the United States, they certainly will be whenever Congress undertakes to legislate for them, and the passage of this or any other bill affecting them will immediately make them a part of our Government, and then all the provisions of the Constitution will apply to them. We can not legislate for them without extending our boundaries. Temporarily the military may govern them. The eighth section of Article I protects them against imposts to this part of our territory. The power given in this article is unlimited if the tax is uniform. Section 9 of the same article provides that no tax or duty shall be levied on articles exported from any State. And it seems to me that this bill is obnoxious to both the eighth and the ninth sections, because if this territory is a part of the United States, and this tax is an impost, it can not stand. And if it is an export tax from one part of the country to another, it is likewise unconstitutional. Gentlemen who insist upon this tax must admit that Puerto Rico is foreign territory or that our Constitution does not apply to Territories. They have adopted the latter narrow claim.

A careful reading of the Constitution and the debates upon it by the delegates who framed it and of the State conventions which

afterwards adopted it will, I think, make it perfectly clear that no tax was to be laid on articles exported "from any State." I desire to emphasize the fact that it does not say "from the United States or any part thereof to a foreign country." When the clause was first proposed the prohibition was against any tax on imports "from the United States." This was changed so that no tax or duty could be laid on exports "from any State." There was a purpose in making this change, and I believe it was to prevent the laying and collecting of such taxes as is proposed by this bill on imports from one part of the United States to another part. So if this territory is a part of the United States, then the tax is upon exports from that part of the United States to another part, and unconstitutional.

Mr. Ellsworth, in discussing this clause of the Constitution, said:

There are solid reasons against Congress taxing exports: First, it will discourage industry, as taxes on imports discourage luxury. Secondly, the produce of different States is such as to prevent uniformity in such taxes. There are, indeed, but few articles that could be taxed at all, as tobacco, rice, and indigo, and a tax on these alone would be partial and unjust. Thirdly, the taxing of exports would engender incurable jealousies.

The same reason would apply to the Territories as to the States, and the injustice greater where they have no representation. In the case of *Brown vs. Maryland*, given in 12 Wheaton, 419, the court said: "An impost, or duty on imports, is a custom or tax levied on articles brought into a country." So, if Puerto Rico is a part of this country, no such tax not uniform can be levied by Congress on articles from it.

Mr. Justice Story, in discussing this clause of the Constitution in his able Commentaries, declares that it was the obvious object of the Convention to prevent any possibility of applying the power to lay taxes or regulate commerce injuriously to the interests of any one State so as to favor or aid another. It must be remembered that this bill taxes goods going from the States to Puerto Rico as well as goods coming into the United States from Puerto Rico. So it seems to me that the spirit if not the letter of the Constitution and all the principles of taxation are disregarded by this bill.

But, Mr. Chairman, if the bill is constitutional, it is bad in morals. The Puerto Rican people surrendered without resistance on the promise made on the part of the United States by the General of the United States Army that they should have the protection of our laws and the Constitution, and they expect the same treatment as the people of other parts of our Union. This was after they had been maltreated and misgoverned by the Spanish Government, and they desired a change. They promptly and unconditionally accepted the terms offered them, and it seems to me that it would be a breach of faith on the part of our Government to now hold them as parts of the Union for purposes of carpet-bag government and out of the Union for purposes of taxation. We promised these people liberty, and yet your first act affecting them is to be a bill to tax them without representation.

Some may say that inasmuch as the Puerto Ricans have heretofore suffered such great wrongs, they should not now complain of a small tax of 15 per cent upon their exports. The reason for it is natural, and is but an illustration of the truth of the statement by Sir Walter Raleigh, made years ago, "That with more patience men endure the losses that befall them by mere casualty than they do the damages which they sustain by injustice." So perhaps these people will give but little thought to the losses which came to them as the result of this war, or of the misgovernment on the part of Spain; but if this bill should pass they will remember the injustice it will impose upon them.

The promise made on the part of the representatives of our Government to Puerto Rico, and its acceptance by the people of that island to whom it was tendered, was in the nature of a contract. It was made at least with the consent of the President, as the Commander in Chief of the Army and Navy of the United States. It had all the elements of a national agreement; the consideration was received by the United States and the Puerto Rican people have so far kept faith with the Government. It yet remains to be seen whether this Government will perform its part of the agreement by permitting them to share our protection and trade with our people upon terms of equality.

No republican government can afford to commit so great a wrong without invoking the curse of Christendom upon it. In olden times the people who repudiated their agreements received the censure of the civilized world, and I trust that spirit is not extinct. For many centuries "Punic faith" has been referred to as expressive of all that is false and faithless in nations. But there can not be found in Carthaginian history or elsewhere a more utter disregard of plighted national faith than this repudiation of the promise made by General Miles to the Puerto Rican people. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, we would like to get a vote on this amendment, and I ask unanimous consent that all debate on this section and the amendment be closed in fifteen minutes.

Mr. RICHARDSON. Make it twenty minutes, and I think there will be no objection. I want five minutes.

Mr. PAYNE. I will agree to that.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on the section and amendment be closed in twenty minutes. Is their objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, I venture to say that as long as the Government of the United States shall last and its records can be preserved in print this debate now nearing its close will be reckoned by intelligent men as one of the very greatest, if not the greatest, debate that the American Congress has ever had and presented to the country. The proposition originally involved in this bill was a proposition of free trade to the island of Puerto Rico. It was introduced and supported upon the recommendation of the President and upon the understanding that there was involved in that question nothing beyond the mere act of giving to the island of Puerto Rico whatever benefit there might be in free trade with the American people. Very shortly, however, it was discovered that incidental to that decision would be another, carried by fair implication, that in all the coming years would have an effect far and away beyond all that was involved in the question of Puerto Rican relief.

There has been a suspicious support of this free-trade measure on the Democratic side of this House. My own attention was not attracted to the deep importance of what is now the substance of this bill until I witnessed the wonderful zeal on the Democratic side to defeat the measure. Not the force bill, which was in Congress after I came here; not the Wilson law, that hung in the balance here at one time; not the McKinley nor the Dingley nor the Mills bill ever brought to the support of the Democratic side anything like the zeal and industry that has been manifested here. And then, of course, the attention of the country was attracted to the general proposition of kindness and good will to the people of Puerto Rico.

And I want to state that one of the most distinguished owners of one of the great leading Republican papers in this country in my presence last Saturday night made the statement that we were putting our hands into the pockets of Puerto Rico and taking money from that poor, helpless people and putting it into the Treasury of the United States, when in point of fact we had better be doing something to aid them in giving them schools in that island. That was one of the owners of a great Republican newspaper; and when I told him that every dollar of the money raised at either end of the line went into the Treasury and for the benefit of the Puerto Ricans, he was utterly amazed.

I received a letter this morning from a distinguished minister of the gospel, who had thundered in his pulpit against "the outrage of the Republicans in their position on this floor of this House." He was not a Republican, and did not live in this city. He was a Mugwump, belonging to a class of people always wrong on every question, from theology down to the tariff. [Laughter.] He told me, "You are a hard-hearted people. If you would only raise that little amount of revenue and give it to the Puerto Ricans!"

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I ask unanimous consent that the gentleman from Ohio be allowed five minutes more.

The CHAIRMAN. Does the gentleman desire more time?

Mr. GROSVENOR. I ask for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. He said, "If you would only raise that little amount of money and give it to the Puerto Ricans, you would have shown yourselves worthy of the Republican party." Well, I have written him a letter, asking him to study that and give up the doctrines of Calvinism and one thing and another for just one Sunday, and learn the doctrine involved in one of the Commandments, "not to slander your neighbor." [Great laughter.] Well, Mr. Chairman, how many people—

Mr. BROSIUS. "Thou shalt not bear false witness against thy neighbor."

Mr. GROSVENOR. "Thou shalt not bear false witness against thy neighbor." [Great laughter.] The gentleman from Illinois thought I was on the eighth commandment. I was not, but altogether a different one. How many of the people of this country understand this measure; how many of the gentlemen who are thundering through the press that we are in the hands of the trusts understand that two commodities that are owned to-day in large measure by trusts of this country are waiting shipment to the United States free of tariff duty? How many of them understand that, and how many of them understand, as we understand, who it has been that has been here so zealously speaking for the people of Puerto Rico? Now, it is proposed that we shall take \$3,000,000 out of the public Treasury and defeat this bill.

Mr. Chairman, I am willing to follow the Republican party whenever its majority dictates, but I shall regret it if the time should come when, refusing to take this money from the pockets of the speculators in the already produced crops of Puerto Rico, I am compelled to support a colonial system by making drafts upon the Treasury of the United States.

Mr. OTEY. Mr. Chairman, first, I want to enter my protest against the title to this bill and to substitute for it, "A bill to obstruct the trade of Puerto Rico and prevent setting a precedent for action which sooner or later must confront the Republican majority in dealing with 10,000,000 Asiatics, 9,000,000 of whom dress only in their complexions, and to show due deference to the behests of trusts generally, and to the sugar and tobacco trusts particularly, by taxing a prostrate people without representation."

The Republican majority in this House finds itself very much in the position of a swift greyhound owned by a friend of mine. This greyhound ran by sight and not by instinct and smell, and one day in pursuit of its prey it struck its nose against a perpendicular section of a barbed-wire fence and was split open from the nose to the end of the tail. My friend having studied anatomy and remembering that when a member of the body was severed, if at once replaced would heal, and by a process called osmosis the endomose and the exomose, by a kind of molecular attraction, would cause cohesion, and the severed member would grow. So he slapped the two halves of his dear dog together, and it grew and lived. But in his haste he placed the tail part of one half to the head part of the other. But the noble canine prospered and became a most valuable addition to his kennel. A friend asked how his dog was getting on. "Why," said he, "it is my best dog now, my stand by." "How is that?" said his friend. "Well," said he, "you see it can run both ways and bark at both ends." See? [Loud laughter and applause.]

Now, Mr. Chairman, this Republican party has not long since passed through a case of protracted labor with a great but serene PAYNE [laughter]; and when the baby showed no signs of Dingley paternity it was charged that PAYNE (he of New York) was its papa [great laughter], and so he had to disown it and send it to an orphanage and submit to a substitute of a deformed grandchild of the Dingley persuasion. [Laughter.]

He, however, admitted that while this child now before us was his adopted child, its parentage was unknown [laughter]; and that he was not responsible for a fiber of its frame nor for a bone of its body, but said he had taken it under his wing to raise it as best he could on a bottle of Dingley soothing syrup. [Laughter and applause.]

As the poet says:

How bitterly he must have wept,
How little he must have felt—

On being obliged to adopt an illegitimate waif, to let his own darling offspring die. [Applause and laughter.]

It may be, Mr. Chairman, that it will be for his good and serve to get him out of a hole in the future during his leadership of the Republican majority on this floor. It reminds me of a white man in my district who once (it happens very seldom) voted the Republican ticket. That night he went 'possum hunting. A rain-storm suddenly came up. He sought shelter in a hollow log. Very soon the log began to swell. As it grew larger on the outside it got smaller on the inside, and so he got more tightly wedged in, and soon he began to scratch, to no purpose, and believing that he would soon be squeezed to death he began praying and thinking of all the many mean things he had done in life from boyhood up to date, and finally he remembered that he had voted the Republican ticket that morning, and suddenly he felt so small that he slipped out of the log as if he had been incased in oil. [Long and continued applause and laughter.] Mark the application. [Laughter and applause.]

Now, I want to discuss this thing on its constitutional grounds. [Laughter.] I listened with respectful attention to the distinguished gentleman from Pennsylvania—I believe he is from Pennsylvania. I mean Mr. DALZELL. [Laughter on the Democratic side.] We more prominent members of Congress do not know these obscure members, and I am not sure where he comes from. [Renewed laughter.] I listened with patience, and if I had not happened to see a copy of the Constitution in print once [laughter], and if I had not happened to hear that there was an old man, obscure and unknown, down in Virginia, by the name of Madison, I believe, who wrote it, and also heard that there was an old unknown man by the name of Marshall who expounded it, why, I would have thought from the argument of the gentleman that there was not such a thing in existence as the Constitution.

I would probably have been convinced finally that if it existed at all it was only antiquated rubbish, not worthy of the notice of the statesman from Pennsylvania [Mr. DALZELL]; that Jefferson, Madison, Monroe, Webster, were merely pygmies by the side of the giant statesmen of the present day and generation.

Especially is this so when the Keystone statesman and solon is perched on a pedestal so elevated that he scorns an interruption from a benighted Democrat and sucker, although the interrogatory was couched in terms of Chesterfieldian politeness.

He reminds me of a tramp who, traveling along a road, was nearly famished for water. Seeing a well, he rushed up to it, and a lady, wishing to refresh him, asked if he wanted some water. He replied, "I am going to take water and I decline to be inter-

rupt-ed." [Laughter.] He began to pump for water and no water came. He was forced to ask the lady if there was any water in the well. "Oh, yes; plenty of water," said the lady. The tramp continued to pump, and finally, getting no water, asked the lady, "Why, if there is plenty of water in the well, will no water come?" She politely said, "Because the sucker is at the wrong end of the pump." [Long and loud laughter and applause.]

I leave you to make the application as to where the sucker is now. [Loud applause.]

Now we come to the versatile statesman from Kansas, Mr. REEDER. He draws his inspiration and his wisdom from the river Solomon, on which his hog ranch is situated. REEDER is his name. He is a good REEDER. He can read his jokes. They are as clear as a northwest Kansas blizzard, translucent as a block of granite, bright as midnight in a billy goat's stomach, as pointed as a steam hammer. [Loud applause.]

His story on CHAMP CLARK was side splitting—to himself. But it showed on what intellectual food he regales his mental palate. But let me tell him that CHAMP CLARK is here and he will administer a Kansas pill to the King of Hog Ranch on Solomon River. Do you know what a Kansas pill is? CHAMP CLARK knows, and so he will make the Kansas statesman swallow a Kansas grass-hopper backward, and I will guarantee it will kick all of the intellectual stuffing out of him in two seconds. [Long and uproarious applause.]

Then came the deep-mouthed CANNON, of Illinois, to settle the whole matter. With his ponderous reports and masterful gestures he pounded and battered his enemy on the left, his friends on the right, and his desk in front, and kicked the chair behind him, and ended thus. [Great laughter and applause.]

And so, Mr. Chairman, my friend, always polite and smiling, ends his peroration thus:

I am not laboring under the perpetual enjoyment of the rascally immunity of utter political incompetency, and my outward manifestation of my inward feeling of an all-overishness will not permit me to be heterogeneously bamboozled by the unsophisticated audacity of any Democrat.

[Great applause and laughter.]

Now, Mr. Chairman, I am not responsible for applause on the Republican side of the House, nor am I to be held accountable for it on this side, and I insist that all of that time so expended shall not come out of my allotted time. [Applause.]

So much time has been wasted on reading constitutions, decisions, and the like that I think it is time to have a little common sense on this bill.

Now, Mr. Chairman, having, as I believe, disposed of the giants of the Republican forest, as well as some of the new timber, passing over the general undergrowth unnoticed, I would invite the attention of the House to some of that rare commodity called common sense.

According to the treaty of peace concluded April 11, 1899, Puerto Rico became United States territory. And that treaty was then and is now the supreme law of the land. After that, if it was not United States territory, what was it? I pause for a reply. None! If, then, it is United States territory, what does this mean? Webster says territory means "a portion of the country not included within the limits of any State and not yet admitted as a State in the Union."

Also a tract of land, a region, a country, a district.

Now, I see no necessity of bringing ponderous volumes here and quoting from our great men of the eighteenth and nineteenth centuries, and all manner of decisions, to demonstrate the common-sense proposition that Puerto Rico is, first, territory, and, second, if so, it is United States territory, and, third, if this be true, we can not treat it in any manner different from other United States territory.

Sir, I shall not quote the Constitution. The Lord knows that quasi great constitutional lawyers have suddenly arisen in this body and quoted from every known source, whether applicable or not, till the atmosphere is charged with the dust of musty old volumes. It may be that some observer on a distant planet, with a great telescope focused on this Chamber, would imagine that the resurrection had occurred, and that Jefferson, Madison, Monroe, Marshall, Story, Chancellor Kent, Brewer, Cooley, Webster, were all here, but, Mr. Chairman, no one about here would have thought so. [Applause.]

Sir, I have seen gentlemen on the other side of this Chamber rise from their seats, with ponderous volumes in their hands, and, with the air of wisdom, call attention to what Chancellor Kent or some other great commentator held on this question that had about as much to do with this question as the educated hog had to do with the Siamese twins. [Laughter.] Adjusting their spectacles and looking over them with judicial wisdom, or perhaps fondling with eyeglasses just removed, would say, "How does that strike you?" followed by great applause on the Republican side. Such self-satisfaction has never, to my knowledge, been evinced as by these undergrowths in the Republican thickets. But they go on the adage, "He is well paid that is well satisfied."

Of all of the infamous measures passed by this Republican majority, and they are many, Mr. Chairman, none have reached the superlative degree of this one. Infamous, did I say? Yes, and advisedly, for it is disreputable, disgraceful, and dishonorable; it is ignominious, discreditable, and unprincipled; it is vile, heartless, and cruel to treat a prostrate people as this bill proposes, only because plutocracy demands it.

The President of the United States sent us a written message, saying it was our plain duty to establish free trade with Puerto Rico—just the opposite of what this bill provides. Why, may I ask? The only answer is, because Puerto Rico is United States territory and the supreme law of the land forbids any other commercial relations with people of its territory.

There can be under our fundamental law (our written Constitution) nothing but free trade between States and Territories; nothing but free trade between Virginia and Massachusetts; nothing but free trade between New York and Keywest. Indeed, Keywest is somewhat similar to Puerto Rico. It was acquired from Spain in 1819. Puerto Rico, just eighty years afterwards, was also acquired from Spain. Why did we not lay a tariff duty on goods going into or going from Keywest.

But, Mr. Chairman, not only did the President lay down what our "plain duty" was in inviting Congress to at once establish free trade with Puerto Rico, but the chairman of the Ways and Means Committee, the chosen leader of the Republican majority on this floor, promptly introduced a bill to enable the President to fulfill his "plain duty" and thus provide "free trade" with Puerto Rico.

But a sudden change came over the President and his Republican majority in this House that no one seems able to account for. Certainly a change which no one, from his sergeant-major to major-general commanding the Republican cohorts, has dared to explain.

Perhaps the specter of the heavy hand of an unfriendly trust loomed up with one hand closing the door of a great safe and the finger of the other hand pointing to an approaching storm, on the clouds of which could be seen the words, Campaign of 1900.

Or perhaps they looked to the Orient and there was photographed on the retina of their bloodshot eyes, 10,000,000 Asiatics acquired by "criminal aggression" (as said the President, because it was "forcible annexation"), which blinded them to law, principle, justice, and duty.

Perhaps they forgot, in declaring war, that we proclaimed to the world that we did not intend to acquire by conquest. It was a war begun for liberation and humanity. Is it to close with oppression and brutality? It left us a great liberator; is it to make us a great tyrant? We who hold ourselves up to the world as a liberty-loving people; we who point to the great statue of Liberty Enlightening the World, as we enter the greatest port of the New World, as the emblem of our traditions and our aspirations—are we to play the part of the oppressor, of the desolator? Ought we not rather to rule by the allegiance of love, before it will be too late and these good people say to us:

Never can true reconciliation grow
Where wounds of deadly hate have pierced so deep.

Here is a bill which starts off freighted with a fraud. A bill "to regulate the trade of Puerto Rico, and for other purposes." The "for other purposes" is the only part of the title that has any bearing on the purposes of the bill. To regulate means to put in order. This bill is to sow disorder. But then, to regulate the trade of Puerto Rico, not trade with Puerto Rico. In other words, you may regulate the action of a slave, but between people not slaves both of the regulated must, in a republic, have some say so in the matter; and if it is a matter of taxation, they must have representation. On all questions, especially of taxation, the Territories are represented in the House of Representatives, where measures looking to taxation must originate.

Trade will regulate itself. It has nothing, in fact, to do with this bill, and the bill has nothing to do with trade. What do we mean by trade? Originally it meant a track, a path, a trail. This bill seeks not to open it, but to obstruct it. It means a course, a custom, a practice. This bill places obstacles in its way.

Business, dealing, bartering, exchanging, buying, selling—this bill, instead of putting them in order, paralyzes these functions. Restrictions are placed on action, and no title to this bill is so befitting as that designated in the beginning of my remarks.

Besides there is a condition confronting our Republican friends, who see the dark cloud of a racial problem arising in the East, and the suffrage question which they inexorably and cruelly inflicted on the South must be met there, and the "galled jade" winces.

Now, as to the provisions of the bill itself, there can be not only no warrant in the Constitution, in law, or precedent, but there can be no common business sense in it. Let us suppose that Congress should provide in this bill that all cattle going from Texas to the port of New York should pay 25 per cent of the Dingley tax on cattle coming into this country from foreign countries; that all wares going from Boston to New Orleans should pay 25 per

cent of the Dingley tax on such wares coming into this country from foreign countries. Would it not be clear that you were virtually charging an export duty? Would it not be clear that the bill was violating the constitutional provision for free trade between the States and Territories?

Why, then, demand of these poor prostrate people what we dare not, can not, demand of our own people?

The Puerto Rican must pay the heavy duty of the Dingley tariff now on all goods he imports from abroad. Even Spain did not exact this hardship of him. Now he must not only bear the burden of the Dingley tax on his foreign importation, but he must pay 25 per cent of the heavy Dingley tax on all goods which come from his own country—the United States.

And yet he sees that the "coastwise shipping laws" of the United States have been already extended to Puerto Rico—and this seems to have been overlooked in this discussion—which we can not extend to a foreign country, and thus the poor, unfortunate Puerto Ricans must (are obliged to) ship only in American bottoms and hence are at the mercy of our shipmasters. Is not this horrible to contemplate? Think, oh, think of the days of the infamous, infernal, hellish carpetbag rule in our own beloved South. You Republicans, think of it. Do you want another such blot on the fair name of this great Republic? Puerto Rico is an integral part of the United States and free commerce should extend to her as to any other of our territory.

Not only does this bill tax her by tariff, but she must pay internal-revenue tax. Her leaf tobacco goes to the United States on a tax of 25 per cent, or one-fourth of the tax levied on tobacco from other countries. But if she manufactures cigars and tobacco she has to pay additionally the internal-revenue tax per thousand and per pound which such articles bear in this country. Here they got a slap at the farmers, which please note, and made it practicable for Puerto Ricans to ship tobacco here to compete with our farmers, but made it impracticable for Puerto Rican manufacturers of cigars and tobacco to compete with the tobacco trust and impracticable for the sugar men of Puerto Rico to compete with the sugar trust, and, in fact, any striving manufactory of Puerto Rico to compete with any trust here. Free trade is a weapon that can be used with deadly effect on trusts; but, as I have said before, which I repeat every opportunity I have, the Republican party has plutocrats for masters and trusts for protégés, and profits from both. Free trade would result in leaf tobacco being consumed in Puerto Rico; indeed, they would import it from the States. Under this bill they must send it to the States to compete with our farmers, as their tobacco and cigar manufactories will die.

Why ruin Puerto Rico, by cession part and parcel of the United States territory, entitled to every protection that we can give it?

Take away this iniquitous tariff, and it will give Puerto Rico cheap food. Are they not now starving and do they not need our help? Has it occurred to you of the Republican majority what you are doing? Do you know what this bill will make these poor and stricken people pay on what we ship them? Six and one-fourth per cent tax on our flour (ad valorem), one-half cent per pound on our codfish, one-half cent per pound on our pork, 1½ cents per pound on our bacon, 5 cents per bushel on our corn meal, one-half cent per pound on our fresh beef, one-half cent per pound on our mutton, 6½ cents per 50 pounds on our beans, 6½ per cent ad valorem on our corned beef, 9 per cent ad valorem on our crackers, 10 per cent ad valorem on our canned goods; butter, cheese, oil, heavy ad valorem duty. Then we tax them 25 per cent of the Dingley tariff on bags for sugar, shooks, rough lumber, agricultural implements, machinery, trees, shrubs, seeds, and school furniture. Certainly these should be free.

It would seem that, viewing our interests pecuniarily, we would help Puerto Rico to its feet, in order that its great productive-ness and former prosperity might be regained; that with the heavy weight of Spanish oppression removed she might expand her lungs, draw in the good fresh air, and march to the music of American enterprise and push.

It would seem that machinery, implements, construction material of all kinds, hardware, carriages, harness, leather, cotton goods, drugs, chemicals could all find a market in Puerto Rico, ever increasing and even profitable. But the arm of two trusts are mighty. These have made the President turn a back somersault and the chairman of the Committee on Ways and Means dance the skirt dance to the admiring Republican spectators.

The Supreme Court, I doubt not, will render this bill nugatory even should it become law.

Why should this oppressive measure be meted out to these unfortunate people? "Oh, but we propose to spend it on them." Better far appropriate the necessary amount out of the national Treasury for the support of the government than to hang this stone around their necks. Better far guarantee \$10,000,000 of debt for them, and let their rich resources come into the markets of the world relieved of the heavy weight of this bill.

The noblest races are the greatest lovers of liberty. Our race

was the first to recognize the right of the individual to himself and to acknowledge his home as his castle. It is increasing with more certainty and greater rapidity than any other race. It is not subject to the causes which check the growth of other races, such as famine, pestilence, and disease. Its inventive genius has lessened the devastation and destructiveness of war by the introduction of more devastating and destructive engines of war, for the greater power in this direction the less destruction ensues.

Its great commerce, reenforced by steam and electricity, has made famine in its community an impossibility, and the great strides in medical science have minimized pestilence. At the end of the reign of Charles II there were only 200,000 in America, and in two hundred years we have increased in these United States three hundred and fiftyfold. In 1700 there were in the world 6,000,000 Anglo-Saxons; 1800, 20,000,000; 1880, 100,000,000; to-day, not far from 150,000,000. As I said on this floor in December last—in substance which I repeat—we are the largest part of this great race, and in another century, only the normal increase, the English-speaking people will number 715,000,000, while by the same measure the whole of Europe will number only 534,000,000. The ratio of increase in the United States in decades from 1840 to 1890 was 33 per cent each decade.

Two-thirds of our great race occupy land which invites unlimited development. The United States with its vast continuous and unsevered empire is to be the great home of its white race, the principal seat of its power, the center of its life and influence. Its wealth is beyond all other nations. Mulhall places it at eighty-two billions, with the United Kingdom next with fifty-nine billions—the two being one hundred and ninety-one billions against all the other nations of continental Europe and their dependencies amounting to one hundred and ninety-seven billions.

The Anglo-Saxon is about one-fifteenth of the world's population, and owns one-third of its land and controls one-fourth of its people. It is true England has attained greatness by meddling with other people's business and highway robbery and the most relentless tyranny. We have outstripped her by attending to our own business and encouraging manhood and equal rights. When we look back at the grandeur of Spain, with her undisputed sway for two hundred years over Flanders, Mexico, Peru, Venezuela, Chile, Cuba, and islands by the thousand, we ought to pause before we inaugurate a system of cruelty and taxation like unto hers. She is still living in the seventeenth century; but how? Let us profit by her example.

The greed of conquest has seized you, my Republican friends. Pause; reflect what you are doing. You can afford to be generous to Puerto Rico. Will you be so; or will you lay your mailed hand on her, sorely afflicted as she is, struggling as she is?

Would that I could show you that pity is a virtue in the law which you might temper your harsh decrees, so that with a tyrant's tread you would not use power and might cruelly. There is no beast so fierce but has some touch of pity.

Pity speaks to Grief
More sweetly than bands of instruments.

But your hearts are hardened; I fear—

You feed on ashes; a deceived heart hath turned you aside and you can not deliver your soul nor say there is not a lie in your right hand.

You are given up to the delusions of your own heart, and are justly left in blindness, that you shall not discern your own self-deceiving.

[Loud applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The amendment was adopted.

Mr. PAYNE. I desire to offer the following amendment to section 4:

In line 22, page 2, strike out the word "customs" and after "duties" insert "taxes;" and in line 22 strike out "customs" and in lieu thereof insert "duties and taxes;" so that the clause will read: "That the duties and taxes collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States," etc.

The Clerk read the amendment of Mr. PAYNE.

Mr. PAYNE. Mr. Chairman, this amendment is necessary because of the amendment to section 3. The original bill provided that the customs duties collected on articles exported from the United States to Puerto Rico, as well as the customs duties collected on articles coming from Puerto Rico to the United States, should be placed at the disposal of the President of the United States, to be used for the government and benefit of Puerto Rico. Section 3 has now been amended by providing that articles coming here from Puerto Rico shall pay 25 per cent of the rates provided by the present tariff law and in addition thereto, when taken out of bond for consumption, shall pay the same internal-revenue tax as is now paid on like articles manufactured in the United States. We simply want to provide in this amendment that all those duties and all those internal-revenue taxes collected on goods coming from Puerto Rico to the United States, as well as duties

or taxes collected in Puerto Rico, shall not go into the general fund of the Treasury, but be held as a separate fund at the disposal of the President, to be paid out for the government and benefit of Puerto Rico. That is the whole effect of the amendment. I do not suppose there is a man in the House who will oppose it. It simply carries out the provisions of the original section 4.

Mr. CLAYTON of Alabama obtained the floor.

Mr. PAYNE. Can we not now reach an agreement that debate on this amendment shall close at 1 o'clock?

Mr. RICHARDSON. I should like to ask the gentleman [Mr. PAYNE] how many amendments his committee will offer?

Mr. PAYNE. Two more.

Mr. RICHARDSON. I have no objection to closing the debate on this amendment at 1 o'clock.

The CHAIRMAN. In the absence of objection, the proposition of the gentleman from New York, that debate on the pending amendment close at 1 o'clock, will be agreed to.

There was no objection.

Mr. CLAYTON of Alabama. Mr. Chairman, on yesterday I obtained consent of the House to print in the RECORD a letter and a statement extracted from a newspaper, and also to print in the RECORD in a parallel column therewith some extracts from a speech of the gentleman from New York made in the opening of this debate. Through inadvertence, injustice has been done to myself and to the gentleman from New York by omitting to parallel that letter and statement with the extract from the speech of the gentleman from New York. I now ask that those extracts, together with the letter and statement already printed, be printed in the RECORD—the letter and statement in one column, and the extract from the speech of the gentleman from New York in the other column.

Mr. PAYNE. I am perfectly willing. I hope the gentleman will print my whole speech.

The CHAIRMAN. In the absence of objection, the leave requested by the gentleman from Alabama will be granted.

The documents referred to by Mr. CLAYTON of Alabama are as follows:

Mr. W. H. CURTIS,
Palmira, N. Y.

DEAR SIR: Your letter of January 19 received, in which you assert that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands and a deathblow to protection. If you are correct in all of your assumptions, of course no Republican would favor any such measure. Suppose we get down to the facts: Puerto Rico was ceded to us by the Spanish treaty, and we accepted it without a dissenting voice in all the United States, so far as I know. In accepting it we cut off their market with Spain and with Cuba, in both of which countries there is now a high protective duty, which is absolutely prohibitive so far as Puerto Rico is concerned. Puerto Rico produces 50,000 tons of sugar annually. No one believes it ever can reach 100,000 tons under the most favorable circumstances.

We imported last year 1,340,000 tons of sugar. You see the importation from Puerto Rico would be as a drop in a bucket. We have had a treaty for a number of years with the Hawaiian Islands, where sugar can be produced more cheaply than in Puerto Rico, by which all sugar has been admitted free of duty. It is proposed to continue this by the enactment of law, and no one objects to it. We import from the Hawaiian Islands 240,000 tons of sugar annually. In the face of this free sugar from Hawaii, the production of beet sugar in California has doubled and quadrupled from year to year.

I am told that the production of the present year will more than double the large production of 1899. Free sugar from Hawaii does not seem to affect the beet-sugar interests. You say that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands. In this you are all at fault; Cuba is not ours, but will have an independent government. The most she can ever hope for is a slight reduction of duty through a reciprocity treaty. You have been voting for reciprocity for the last fifteen years, as you say you have voted the Republican ticket. Under the treaty the Philippine Islands are to have free trade with Spain for ten years. We could not extend these tariff laws to the Philippine Islands even if we would.

To sum up, then: Puerto Rico is

On February 19 Mr. PAYNE said:

Now, Mr. Chairman, all political parties have approved this treaty and accepted the cession of the Philippine Islands to the United States and the island of Puerto Rico to the United States. As patriots, instead of trying to make some political capital for the Presidential campaign, we should sit down with deliberate, dispassionate judgment and consider the questions that confront us with reference to these islands.

The island of Puerto Rico, with which the bill deals, is one of the richest islands of the West Indies, a small island about 80 miles in length and 40 miles in width, in the form of a parallelogram, running east and west, with a mountain range running along the center, some 3,000 feet high at the summit, and cultivated from the summit clear down to the seashore, with level lands along the line of the sea at the foot of the hills averaging in width from nothing to five miles, on which sugar is raised, the higher lands adjoining fitted for the cultivation of tobacco and pasturage, and the higher lands of the mountains on which coffee is cultivated. It is said to be the most densely populated of any land in the whole world.

The citizens of Puerto Rico accepted the conditions. They could not very well do anything else. We had the consent of the governed, but the governed were too weak to yield up anything except consent to the powers of Spain and the powers of the United States. As the gentleman from New York said the other day, they received the troops with open arms; but whether, if Spain had come along the next day, they would not have received them still more gladly he was not able to say.

Now, Mr. Chairman, we have acquired the control of the territory of Puerto Rico; what are we going to do with it? What is our first duty toward that island?

When the war was over Spain put a prohibitive duty on coffee, as she did upon tobacco, and a corresponding duty upon sugar. Cuba, which we hold in trust, demanded of the United States that we put a duty upon Puerto Rican coffee and Puerto Rican tobacco. A large portion of the tobacco crop was brought to Cuba in

ours without a dissenting voice anywhere. Her people are impoverished by reason of the hurricane which destroyed the greater portion of two annual crops. She has no markets, being deprived of them by annexation to the United States. Commercially and industrially, without some aid from Congress, she is without hope for the future. A free admission of her products to the United States (which is now accorded to every other State and Territory and to Alaska, not organized into a Territory) would give her relief.

It will not hurt us, but, on the contrary, will give us a market for \$10,000,000 annually, largely of the products of our farms, which will increase as American prosperity comes to Puerto Rico. I am heartily in favor of extending this relief to Puerto Rico, while I do not in any way commit myself to extend the same privileges to either the Philippine Islands or to Cuba. I have worked as hard as anyone to establish the beet-sugar industry and am as thoroughly in favor of it as ever. I am sorry to learn that anybody thinks of voting for a Democrat, who claims to be a good protectionist.

Yours, very truly,
SERENO E. PAYNE.

WASHINGTON, D. C., January 24.

[Special dispatch to the Globe-Democrat.]

PUERTO RICO AND FREE TRADE—PAYNE THINKS THE ADMINISTRATION BILL WILL PASS—IMPOVERISHED BY THE ELEMENTS, WITHOUT MARKETS BECAUSE OF ANNEXATION, THE ISLAND'S PRODUCTS SHOULD BE ADMITTED FREE TO THE UNITED STATES.

WASHINGTON, D. C.,
January 26, 1900.

Chairman PAYNE, of the Ways and Means Committee, has made a statement vindicating the policy of free trade for Puerto Rico. Mr. PAYNE introduced the Administration bill to carry out this policy, and has no doubt it will go through both House and Senate at an early date. He says:

"Puerto Rico was ceded to us by the Spanish treaty, and we accepted it without a dissenting voice in all the United States, so far as I know. In accepting it we cut off their market with Spain and with Cuba, in both of which countries there is now a high protective duty, which is absolutely prohibitive so far as Puerto Rico is concerned. Puerto Rico produces 50,000 tons of sugar annually. No one believes it can ever reach 100,000 tons under the most favorable circumstances. We imported last year 1,340,000 tons of sugar. The importation from Puerto Rico would be as a drop in a bucket. We have had a treaty for a number of years with the Hawaiian Islands, where sugar can be produced more cheaply than in Puerto Rico, by which all sugar has been admitted free of duty.

"It is proposed to continue this by the enactment of law, and no one objects to it. We import from the Hawaiian Islands 240 tons of sugar annually. In the face of this free sugar from Hawaii, the production of beet sugar in California has doubled and quadrupled from year to year. I am told that the production of the present year will more than double the large production of 1895. Free sugar from Hawaii does not seem to affect the beet-sugar interests. It is urged that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands. In this the opposition is all at fault; Cuba is not ours. Under the treaty the Philippine Islands are to have free trade with Spain for ten years. We could not extend these tariff laws to the Philippine Islands, even if we would.

"To sum up, then, Puerto Rico is ours without a dissenting voice anywhere. Her people are impoverished by reason of the hurricane, which destroyed the greater portion of two annual crops. She has no markets, being deprived of them by annexation to the United States. Commercially and industrially, without some aid from Congress, she is without hope for the future. A free admission of her products to the United States (which is now accorded to every other State and Territory and to Alaska, not

the years gone by free of duty; and there it was made up into cigars, sometimes mixed with Habana tobacco and sometimes not, but most of it came to the United States in the shape of the best Habana tobacco. The better qualities of this were exported. There were some minor grades that went to Europe, principally to Germany, selling at 5 or 10 cents a pound.

The export of tobacco was 4,000,000 pounds annually. One year it went up to 6,000,000 pounds, but the normal average exports were 4,000,000 pounds. They raise a million or two pounds more, which are consumed in the island. These were made into cigars and cigarettes by the natives and sold there.

Of sugar about three-fifths came to the United States and two-fifths went to Spain. That is about the proportion that has been exported to the two countries for the last ten years. Some of the time perhaps we got two-thirds of it. So that a part of the sugar market was in Spain and the rest in the United States. Spain cut off the market for sugar, cut off the market for coffee, cut off the market for tobacco, which was 85 per cent of their exports, and left the people without a market for these commodities, save that they had in the United States.

In addition to that, Cuba demanded of the Government not only a duty on coffee which was prohibitory, but a duty of \$5 a pound on tobacco, which was also prohibitory, and under which not a pound could be exported to Cuba.

Well, these Puerto Ricans began to feel as though they had been made the victims of misplaced confidence. When they saw the flag go up and knew that "prosperity followed the flag," as a matter of course they expected to get a little of that prosperity themselves. Instead of that, the first result was to cut off these markets. More than that, on the 8th of August last there occurred there a storm, or hurricane, which swept that island from end to end; such a storm as had not been known there since 1867. It occurred at a time when they were getting ready to harvest the crop of coffee, which bade fair to be a great crop.

Mr. PAYNE. I can not yield any further; my time is being frittered away.

Now, Mr. Chairman, the beet-sugar industry has been something of a pet of mine since I have been in Congress. I have been as anxious as any man in the United States to see it succeed. I had something to do with framing the schedule of the Dingley bill and the McKinley bill and framing the bounty in the McKinley bill, and I have watched with interest in the past ten years the progress of this industry in the United States, commencing with the most feeble beginning and gradually growing year by year, until this year the crop will be more than 100,000 tons against the forty or fifty thousand tons a year ago.

It is increasing every year, and already they have made contracts to build 51 beet-sugar factories in the United States during the coming season. It will double, probably, this year. Farmers are getting interested in it, and the people of the United States are getting interested all over every section of the country, and, as I said in the debate on the conference report on the Dingley bill, Mr. Chairman, I look to this as the one means of meeting what gentlemen call an octopus, the sugar trust, because I believe there is nothing which will so tend to destroy the sugar trust as beet-sugar factories in every Congressional district in the United States; and if they get incidental protection against the future out of this bill, I am glad of it.

I want to go a step further than that and declare to the country and to the world that when we legislate for this island, when we propose a tariff, we have the duty and the power and the privilege, under the Constitution, of imposing a tariff on all articles going to the territory belonging to the United States from the United States, or coming to the United States from the territory belonging to the United States. I want to make a precedent that all men can read with ref-

organized into a Territory) would give her relief. It will not hurt us, but, on the contrary, will give us a market for \$10,000,000 annually, largely of the products of our farms, which will increase as American prosperity comes to Puerto Rico. I am heartily in favor of extending this relief to Puerto Rico, while I do not in any way commit myself to extend the same privileges to either the Philippine Islands or to Cuba."

Mr. MAHON obtained the floor.

Mr. TERRY addressed the Chair.

Mr. RICHARDSON. I hope the Chair will recognize the gentleman from Arkansas [Mr. TERRY] for two minutes, to finish out the time of the gentleman from Alabama.

The CHAIRMAN. The gentleman from Arkansas will be recognized, at the request of the gentleman from Tennessee, immediately after the gentleman from Pennsylvania has concluded.

Mr. MAHON. Mr. Chairman, before beginning my remarks I ask unanimous consent that I be allowed ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAHON. Mr. Chairman, I have read somewhere in a great Democratic newspaper that it is the purpose of at least some Democrats to place in the next national Democratic platform the Declaration of Independence, to show to the people—black men, white men, red men, yellow men—where they stand in regard to human liberty and human rights. I want to ask them to parallel that Declaration, if they put it in, with a letter I am about to read, which is short and to the point, written by the great Thomas Jefferson; and in his letters he was himself—gave more free expression of his opinion than in his public utterances—a letter dated September 7, 1803, addressed to Wilson C. Nicholas, and will be found in Jefferson's works, volume 4. This letter may have been already referred to in the general debate on this bill; if so, I have not heard it. In this letter Jefferson is speaking on the question of the Louisiana purchase; and he gives this good advice to his Democratic friends:

Whatever Congress shall think it necessary to do should be done with as little debate as possible, and particularly so far as respects the constitutional difficulty. I am aware of the force of the observations you make on the power given by the Constitution to Congress to admit new States into the Union, without restraining the subject to the territory then constituting the United States. But when I consider that the limits of the United States are precisely fixed by the treaty of 1783, that the Constitution expressly declares itself to be made for the United States, I can not help believing the intention was not to permit Congress to admit into the Union new States which should be formed out of the territory for which, and under whose authority alone, they were then acting. I do not believe it was meant that they might receive England, Ireland, Holland, etc., into it, which would be the case on your construction. When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe and precise.

Now, I am going to take the advice of Thomas Jefferson in regard to my vote on this bill; and I ask gentlemen on the other side to put this letter alongside of the Declaration of Independence and the Constitution when you send them to the people in those foreign countries.

And then, Mr. Chairman, when they speak of liberty, I want them to put in as a peroration to their Democratic platform a few words from a distinguished Democratic Senator who addressed the Senate on last Monday, speaking as one of the representatives of the great Democratic party of this nation, speaking about the colored voters of the South, and I call attention of gentlemen on the other side of the House to it who speak so sympathetically in favor of the black men in the Philippine Islands. Here is the language of one of your leaders. He says:

We of the South have never made any pretense of considering the negroes our equals, or as being fit for suffrage. We fought to keep them slaves, and protested against their enfranchisement. You of the North—

Referring to the Republican party—

contended that they were equal to white men and should have all of the rights of citizens, and you framed the three amendments to carry it into effect.

And then, going on, he uses this language:

We stuffed ballot boxes. We shot them. We are not ashamed of it.

I commend that language to gentlemen on the other side.

Now, when you go to these people with protestations of liberty, justice, and equality before God and the law, tell them what you have done with the black men of the South; give them this portion of the history of the Democratic party in relation to making the black man of the country free and equal before the law. And yet you come up here and undertake to appeal to our sympathies in behalf of the people of the Philippines. You come here with lamentations and prayers in our presence for the blacks in the Philippine Islands. And yet you vote the other way when influenced by the political situation. You would never for one moment agree to the passage of the law through Congress to give these unfortunate people in these islands the full possession, the

full limit, and all of the rights under the law of this country that are enjoyed by the people of the United States.

Now, Mr. Chairman, if I were to-day in control of the Republican party, or if the Republican party were to pass a resolution advising my friend from Tennessee, the leader of the Democratic party, to join some sect in this country, before he would accept that advice he would read the Constitution and then come to the conclusion that it was unconstitutional. [Laughter.]

I propose to vote for this bill simply because it affords temporary relief to the people of Puerto Rico; and I want to make the further declaration that the Republican party in the near future will take care of these people. They will provide for them a government adapted to their best interests, regardless of the passage of the pending bill.

I should not have cared, sir, if the Democratic party brought in that bill, and I am free to confess it, giving to these people the same relief we propose, and I should have voted for it, and I propose to vote for it now, believing it right as conditions now confront us. It gives, I repeat, temporary relief where temporary relief is badly needed. It relieves primarily their distress in the near future. When we come to take up the government of these islands in regard to the constitutional question, I will probably have something more to say. [Applause.]

Mr. TERRY. Mr. Chairman, greed, avarice, and monopoly are in the saddle, and the plain principles of right and justice are being unscrupulously trodden under foot. If there ever was an example of that state and condition of things, we are having it now in the policies that are being forced by the present Administration upon the representatives of the great American people.

Mr. Chairman, it has been to me the disappointment and misfortune of my life that, on account of severe illness, I have not been able during this week to be present and take part in the discussion of the legal questions involved in the pending measure; but I am satisfied from my knowledge of the legal attainments of some gentlemen who have spoken upon my side of the question that it has been most ably handled.

I have gotten out of a sick bed and been hauled in a carriage to this day's session in order to enter my protest and record my vote against what I regard the most unjust and un-American piece of legislation that was ever attempted to be foisted upon the statute books of this country. If the people of Puerto Rico are subject to our jurisdiction and are subjected to Congressional legislation at all, then ipso facto they become entitled to all the rights of American citizenship and the protection of the principles of American liberty and of the great Constitution of these United States.

May God forbid that we ever stain our glorious flag of freedom by denying equal rights to any person within the jurisdiction or under the protection of our Constitution and the banner of the great Republic. [Applause on the Democratic side.]

Mr. RICHARDSON. Mr. Chairman, I do not take the floor for the purpose of making a speech or occupying the attention of the committee upon the pending amendment. I hold in my hand a paper signed by the commissioners of the island of Puerto Rico who were sent to Washington City for the purpose of representing to Congress the condition of the island and the capacity of the people of that territory to pay taxes for the support of their local government. I am opposed to denying them the right of petition, if we are to deny them all other rights, Mr. Chairman, and in my time I ask to have read this petition or this statement made by these gentlemen. Some of them have been before committees of Congress; some of them I have met personally. I want to give my personal testimony to their intelligence and to their capacity. I believe they are honorable and truthful gentlemen and that they state the facts. At the bottom of this statement will be found a statement by the Merchants' Association of New York City. I ask the Clerk to read this statement and the statement of the Merchants' Association.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The members of the several delegations from Puerto Rico, sent here to explain to the members of Congress the conditions existing in their island and to ask for it the establishment at once of free commercial relations with the United States, to the end that the people of Puerto Rico may be relieved from the bankruptcy which stares them in the face and the fearful contemplation of thousands of deaths among their poor by reason of the starvation which is following the stagnation in business, worse than ever before in the history of the island, and due chiefly to the contraction of business which has followed the control of the island by the United States, and having read the compromise measure adopted at the conference of the Republican members of Congress held last night, desire to make the following statement to Congress and the public:

One of the reasons given by the Republican leaders in Congress, who stand behind the tariff measure, is that they see no other way in which money can be raised for the support of the island except by direct taxation, which they allege the people of Puerto Rico would not agree to, or by special appropriation by Congress. Let us say on this point that the island of Puerto Rico raised an annual budget of \$4,400,000. Of this amount the following sums, in round numbers, were, for the army, \$1,200,000; for the minister of colonies, \$400,000; for pensions, \$300,000; for the clergy, \$400,000; for the navy, \$400,000; making a total of \$2,700,000. Thus there were raised for these purposes annually an amount larger than the total amount now required for the expenses of the island, as estimated by Governor-General Davis, and larger by far

than will be raised by the proposed tariff. We refer with pride and call the attention of the people of the United States to the fact that we freed our own slaves, paying therefor, in principal and interest, about \$12,000,000, without asking aid from Spain or elsewhere. We repudiate the idea that we can not raise the amount necessary to carry on the affairs of the island.

The idea and theory of a tariff is repugnant to us. Our people, since the American occupancy, have been led to believe by Americans themselves, by the utterances of such eminent officers as General Miles, General Henry, and General Davis, by the Secretary of War in his annual report, by the honored President of the United States in his annual message to Congress, by the terms of the bill originally introduced in the House of Representatives by the chairman of the Committee on Ways and Means, and by the almost universal expression of opinion in the public press, that they were entitled to and would receive, without any material delay, absolutely free commercial relations with this country, to which they now must look, but instead of which a tariff unnecessary for revenue is offered.

The United States Government, through the State Department, has recently negotiated a treaty with the island of Trinidad, in the West Indies, which is a British province and a direct competitor of Puerto Rico, by the terms of which treaty Trinidad is to receive from the United States, free of duty, all articles of machinery and implements and articles of husbandry and nearly all food supplies, the free list for Trinidad in this treaty being larger by far than the list of articles now admitted free in Puerto Rico by Executive order, every one of which it is proposed to tax under the tariff bill now pending in Congress. Is this fair? We think not.

The time for a vote on this bill is rapidly approaching, and we therefore do not intend to make any elaborate argument, being content to stand before our people at home and the people of the United States on the general broad proposition that the island is entitled to receive absolutely free commercial relations at once, and that with them it can be easily made not only self-supporting, but will speedily become an exceedingly valuable possession of the United States, with a population loyal to the flag.

Every Puerto Rican and every American who knows the situation of the island believes that the mere announcement of the grant of free commercial relations, as a matter of justice, and therefore irrevocable, will bring instant relief and permanent prosperity to the industries of our island.

Respectfully submitted.

GEO. I. FINLAY,
MANUEL FERNANDEZ JUNCOS,
JOHN D. N. LUCE,
J. JULIO HENNA,
ARTURO BRAVO,
J. R. LATIMER,
L. SANCHEZ MORALES,
LUCAS AMADEO,
AZEL AMES,
T. LARRINAGA,
R. VALDES,

Commissioners of Puerto Rico.

WASHINGTON, D. C., February 27, 1900.

The Merchants' Association of New York, a commercial body in that city, composed of 1,400 firms and corporations, having no interest in Puerto Rico but the general one of expanding trade and commerce, has investigated thoroughly the commercial conditions in that island through its accredited representative, Mr. William R. Corwine, and the officers of that association believe fully that the speedy establishment of free commercial relations is absolutely necessary to place the island in a proper position.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By WM. R. CORWINE.

During the reading of the foregoing, the time of Mr. RICHARDSON having expired,

Mr. RICHARDSON said: Mr. Chairman, the debate on this amendment is to close at 1 o'clock. I ask that the time be extended, to allow the Clerk to finish the reading of this.

Mr. HOPKINS. Why not let the time for closing the debate on this amendment be 1 o'clock and 5 minutes?

Mr. RICHARDSON. Why not let it be extended to 1.10?

Mr. PAYNE. I ask that the time for debate on this amendment be extended to five minutes after 1.

Mr. RICHARDSON. Make it ten minutes after 1. We may want to use five minutes in reply.

Mr. PAYNE. I have the right to reply. If the gentleman wants to speak afterwards, let him do so on the next amendment.

Mr. RICHARDSON. I do not care, if we get it on the next amendment.

The CHAIRMAN. Does the gentleman from New York modify his request?

Mr. PAYNE. I ask that the debate on the amendment close at 1.05.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk resumed the reading. Having begun the reading of the signatures,

Mr. RICHARDSON said: Mr. Chairman, let the Clerk omit the reading of the names.

Mr. PAYNE. Oh, no; read the names.

Mr. RICHARDSON. Very well.

The Clerk resumed and completed the reading of the above.

Mr. PAYNE. I desired to have the names read in order that the House might know who these gentlemen are. They are largely a delegation coming up here from Puerto Rico, the most of whom are directly and pecuniarily interested in exporting sugar and tobacco free to the United States. The gentleman first named is a gentleman whom I met the other day downstairs, and he wanted me to come in and make a great name for myself and go for free trade for Puerto Rico. I said to him, "The reason you want free trade rather than a 75 per cent reduction is that instead of getting the \$300,000 that you will get under a 75 per cent reduction, instead of getting that much more for your sugar, you want to get

\$100,000 in addition, and you are whining about these lobbies and shedding tears for the poor people of Puerto Rico and are not willing to give up this \$100,000 for their benefit and for their relief from taxation."

Who are the Merchants' Association of the City of New York? Why, they are the gentlemen who are interested in free trade with all the world. It is no new thing for them to come before Congress. It is no new thing for them to come to the Ways and Means Committee for a reduction of duties. They are always asking for that.

What is the fact, Mr. Chairman? They say they have raised \$5,000,000. They raised 5,000,000 pesos rather, or \$3,000,000, by taxation in 1896 or 1897. They paid those taxes to Spain in the way of export taxes, consumption taxes, transportation taxes, and every conceivable form of taxes that could be put on every industry in the island, in order to raise money for Spain. But they raised that sum when they were prosperous, when they were not recovering from a devastating storm that had swept the island from one end to the other. They raised it when they were exporting over \$10,000,000 worth of coffee, instead of less than \$1,000,000 worth, as they must do now. They raised it, Mr. Chairman, when the storm had not interfered with their tobacco or their sugar plantations.

This bill is to meet a present emergency, to raise revenue to provide for an emergency, to raise revenue for this year, nay, for this month, to raise it in order to do what? To help out the poor taxpayers, help out the poor people, to give the people of that island a chance for education and to rise in the world; to build public improvements, including highways; but we want the money now. The committee have said they did not see any other means to raise it. What did these gentlemen reply? That before there was a storm, before their property was destroyed, before their crop was swept away, they were able to raise 5,000,000 pesos a year. When they recover from this storm, and after five years have elapsed and the coffee plantations get into shape to produce a crop, I have no doubt that they can raise 5,000,000 pesos a year. In the meantime we take out of the men who get the benefit of this bill a little by the way of toll and pay it for the benefit of all the island, and especially those who are suffering from the effects of the storm. [Loud applause on the Republican side.]

Mr. RICHARDSON. I am a little—

The CHAIRMAN. Debate is exhausted.

Mr. RICHARDSON. I understood we were to get ten minutes.

The CHAIRMAN. The gentleman from New York asked for five minutes only.

Mr. RICHARDSON. I asked for ten minutes, and understood it was granted.

The CHAIRMAN. The Chair did not so understand.

Mr. RICHARDSON. I want five minutes in which to reply to the gentleman; but I can take it on the next amendment.

Mr. PAYNE. Well, then, let us take a vote at once, and then the gentleman can take the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I present an amendment from the committee. It was suggested to us by the gentleman from Vermont [Mr. POWERS]. It is his amendment, adopted by the committee; and after it is read I desire to yield to him. Of course, if the gentleman from Tennessee wants to speak first, I will make no objection to that.

Mr. RICHARDSON. Let us hear the amendment.

The Clerk read as follows:

Amend the bill by adding new section as follows:

"SEC. 5. This act shall be taken and held to be provisional in its purposes and intended to meet a present pressing need for revenue for the island of Puerto Rico and shall not continue in force after the 1st of March, 1902."

Mr. POWERS. Mr. Chairman, I drew and submitted this amendment to the Committee on Ways and Means, in hopes that it might lead to a compromise between the discordant elements on this side of the Hall. It will be noticed that amendment puts into the bill a new section, declaring the precise purpose for which this legislation is enacted, namely, that it is provisionally intended to meet the pressing necessities that exist at the present time for revenue in the island of Puerto Rico.

Mr. BURKE of Texas. Mr. Chairman, many of us would like to hear the gentleman from Vermont.

The CHAIRMAN. The committee will be in order. Gentlemen will please be seated and cease conversation.

Mr. POWERS. It is well known, Mr. Chairman, that I have expressed hostility to this bill as it was originally drawn on two grounds. First, upon the doubt as to its constitutional validity; and, second, the doubt as to its expediency. I am informed that a case has already been started and is now on its way ultimately to a decision of the Supreme Court of the United States that will settle the troublesome question of constitutional law that has been debated on this floor for the past ten days. Therefore we are speedily approaching a decision of that doubtful question.

The other objection which I had to the bill in its original form was that it sought to treat the people of Puerto Rico, whom we now count as under the protection of the American flag, in a different way from what we treated the people living in the Territories of Arizona and Oklahoma; and that, for that reason, in levying a tariff duty upon Puerto Rican products was discriminating against Puerto Rico over the other Territories.

Now, then, the purpose of this amendment is to have the bill carry on its face a declaration that it is an emergency measure; that it is to meet the present necessity for money in Puerto Rico, when other means are unavailable at this present time; and further than that, it fixes a limit, beyond which this bill can not properly go. It provides that it shall expire by its own limitation on the 1st day of March, 1902. I am told, sir, that the committee will accept this amendment; I am told that the President of the United States will accept this amendment; and if he is content to take the modified bill, as it will be if the amendment is adopted, I am frank to say, sir, that I accept it myself. [Loud applause on the Republican side.]

Mr. JAMES R. WILLIAMS. Mr. Chairman, I hold in my hand a statement made before the Committee on Insular Affairs, of which the chairman of the Committee on Ways and Means is a member. The statement was made by General Davis, the military governor of that Territory; and I challenge the gentleman now to contradict the statement that I shall make. He says here in the report which I hold in my hand, in answer to a question put by the gentleman himself, that they raised in one year by taxes 8,000,000 pesos, equal to nearly \$5,000,000. That is the statement of a gentleman appointed by your own President; and I will tell you more, he says, and it is in his report here before me: "That that island needs at least \$5,000,000 a year."

You propose to raise a million and a quarter. He says it will take at least a million to administer the government of Puerto Rico, its insular government, not including the expenses of municipal administration. Nothing for roads or other public improvements. Where do you get money to build the schoolhouses except in your perorations? You know you are trying to deceive the people of this country and Puerto Rico when you make any such claim as that.

General Davis says they need this money now, \$10,000,000. You say you want to give it to them now. Do you expect all the revenue under this bill to be paid in within the next thirty days? Do you not know it will take twelve months to collect it? He says they need it now, and he says—and I want the members of this House to listen—that these people can get \$10,000,000 without any guaranty on the part of the United States and get it at 5 per cent, instead of 7 per cent as the gentleman from New York [Mr. PAYNE] states.

Now, Mr. Chairman, these people are able to take care of themselves. Dr. Ames, one of the best witnesses who appeared before the committee, said that what they need first and most is a well-established government, and next to that free trade for the island. You give these people a good government, and they can raise by taxation from their own property in less than six months more revenue to do business on than you can under this bill. Why? The gentleman from New York seems to doubt that. You give them the power to organize their government, to make their assessments, levy their taxes, and as soon as the levy is made appropriate, under the authority of Congress, a sum for them to draw on to do their business on until the money is collected, as is done in many of the States of this Union to-day.

But you propose simply to provide for the collection by revenue on the necessities of life, on a part of the property, only enough money to run the insular government, and not enough to run the municipal government or provide for schools, as you would have the people believe.

Now, Mr. Chairman, I want to refer to another matter in this bill, and that is this educational feature. I want to call the attention of gentlemen on the other side to the fact that the majority of the Ways and Means Committee have either misrepresented the facts or have failed to state as true that which is true, and I cast no reflection upon the gentleman from Iowa—

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JAMES R. WILLIAMS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES R. WILLIAMS. Now, Mr. Chairman, I say I desire to cast no reflection upon the candor of the gentleman from Iowa [Mr. DOLLIVER], who delivered such a very able constitutional argument on yesterday, and which has been so completely answered by my friend from Virginia, Mr. OTEY, to-day. [Laughter and applause on the Democratic side.]

The gentleman from Iowa [Mr. DOLLIVER], as well as the gentleman from Ohio [Mr. GROSVENOR], says that the sugar trust does not want this bill. You let me read to you from a gentleman

who knows a great deal more as to what the sugar trust wants than does the gentleman from Iowa. Here is an important witness on this question. Let us see what he says. My friend Mr. PAYNE will remember the name when it is announced to him, for he was interested in the matter and he was present. On the 19th day of January the gentleman from New York [Mr. PAYNE] had introduced his bill for free sugar. On the 22d day of January, three days later, the following gentlemen came before the committee of which the gentleman from New York [Mr. PAYNE] and Mr. TAWNEY are members. He was asked the question:

What is your name?

Mr. Oxnard.

What is your business?

I represent the American Beet Sugar Association, of which I am president and which comprises 30 of the sugar factories from the Pacific to the Atlantic in 12 different States.

I will not read all, but just listen to what he says further:

What we claim is this—

And he knows more about this than even the gentleman from Iowa [Mr. DOLLIVER] knows about the Constitution—

What we claim is this: While we are perfectly willing to let them come in, we think they will very largely increase their production of sugar and perhaps be a reproduction of what Hawaii did, and we claim they are taking and will take in time a large portion of our markets from us, and we would like to have some tariff put against them.

Mr. PAYNE asks:

You have had free sugar from Hawaii all the time?—A. Yes; but that has more than doubled in the last ten years, and that has hurt us. I do not claim that the admission of the present sugar, what they are making now, will hurt us so much; but what I claim is large investments will go into Puerto Rico in the sugar business as soon as it is found that these immense profits can be made.

I do not know whether the conversion of the gentleman from New York [Mr. PAYNE] dates from that time or not, but here is a man who knows something about this sugar business and he says that with free sugar large investments will go down there and greatly increase their business, and this would increase the opportunities for labor, enable those people to pay their own taxes, and provide their own schools. General Davis says in his report—and if the gentleman doubts it I will read it—that these people are almost naked, without food; and when Mr. COOPER asked him the question if they could be educated, if furnished facilities, he says, "Not until you give them clothes and provisions. You can not expect children to attend school in their nakedness. Give them first new trade conditions. Enable them to earn food and clothing." And that is what we claim free trade for that island would do.

Mr. STEELE. I want to ask the gentleman if Mr. Oxnard did not also say, in that same connection, that all the sugar that could be produced in Puerto Rico would make no difference; that what he was afraid of was sugar from Puerto Rico and the Philippines?

Mr. JAMES R. WILLIAMS. He did not.

Mr. STEELE. He certainly did.

Mr. JAMES R. WILLIAMS. I have it all here before me. He said they did not fear it now, but that if you give them free sugar it would so increase their business as to take away a part of our markets, and, as I claim, large investments in the sugar business in Puerto Rico would increase the opportunities of these people for obtaining a livelihood and clothing and feeding themselves, and enable them to pay their own taxes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JAMES R. WILLIAMS. I want one minute more.

The CHAIRMAN. The gentleman asks for one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES R. WILLIAMS. Now, Mr. Chairman, some gentlemen who have made long constitutional arguments against this bill console themselves with the amendment which has been agreed to on the other side making it temporary. If Puerto Rico ever needed free trade with the United States it is now. You extend this bill over them for two years and you give the sugar trust and tobacco trust the opportunity to get their lands now under mortgage. But if you pass a free-trade bill in one week their lands will begin to advance; they will be able to remortgage them and come out the owners of their own soil. [Applause.]

Mr. SIBLEY. Mr. Chairman, if this bill proposed to provide for a permanent policy in dealing with Puerto Rico, I should oppose it, and last week so informed the chairman of the Ways and Means Committee. I think each witness who has appeared before the Committee on Insular Affairs has stated that the condition of those people is deplorable, that they are starving in that island at the present moment. While we are debating they are starving.

I have heard no proposition to afford them relief in any other manner than here proposed; and for myself my duty seems to me to be perfectly clear—to support the measure presented by the Ways and Means Committee. We recognize the fact that this discussion on the part of the opposition is not against Puerto Rico. Puerto Rico is a mere incident to the broader proposition. [Applause.] If it is determined that every foot of territory under the control of the United States is to enjoy equal advantages with the United States—

Mr. JAMES R. WILLIAMS. Will the gentleman allow an interruption?

Mr. SIBLEY. I have not the time.

Mr. JAMES R. WILLIAMS. We will have your time extended.

Mr. SIBLEY. Very well.

Mr. JAMES R. WILLIAMS. Then, according to the gentleman's statement, the emergency for the passage of this bill does not exist in Puerto Rico, but in the politics of the Republican party. [Applause on the Democratic side.]

Mr. SIBLEY. No; you locate the politics on the wrong side of the Chamber, my friend. [Applause on the Republican side.]

Mr. JAMES R. WILLIAMS. It is pretty hard to locate you. [Laughter and applause on the Democratic side.]

Mr. SIBLEY. You need not have a particle of trouble about that; for I stated the other evening on the floor of this House that whenever it is necessary for one to act in a patriotic manner, whenever it became necessary in order to keep step with the march of human progress, whenever it became necessary for one attempting to serve the welfare of his country and its people to have a seat upon the Republican side of the Chamber, you could constructively place my seat there at that very moment [pointing to the Republican side]. [Loud applause on the Republican side.] This is a mere incident to the broader proposition that the United States can not—

Mr. TERRY. The gentleman from Pennsylvania ought to understand politics, as he has belonged to all political parties.

Mr. SIBLEY. I do not hear what the gentleman says, and I do not know that I have time to listen to it.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SIBLEY] has the floor.

Mr. SIBLEY. If you can establish the principle that all territory recently acquired by the United States and coming under our control and jurisdiction—if you can establish the principle that each citizen of these possessions is entitled at the present time to the enjoyment of the same rights and privileges enjoyed by American citizens, and that they are to be governed by the same rules and participate under the same conditions in governmental affairs as are accorded to American citizenship within the limits of our Federal Union, before accepting any such interpretation, firmly believing in expansion as I do, I should renounce and denounce the whole theory of expansion.

The debate upon Puerto Rico is the mere incident in the broader proposition. The issue being determined is whether or not the United States possess the right and have the will to so legislate that the products of the Orient shall not be admitted as a disturbing factor to American production, and that the yellow man of the Orient shall not come here, clothed with the full power of citizenship, to compete upon terms of equality with American labor in our own markets.

If your proposition is understood, you mean to place us in the position where if we hold these territories, we must forthwith surrender the right to first see that they are properly qualified and educated for the duties of citizenship. You would introduce at once the people of the Orient to rights in our homes and firesides; and before accepting such proposition we would rather see your counter proposition successful—would heed your advice and surrender these islands to Aguinaldo and his self-constituted government. [Applause.]

This measure for the relief of Puerto Rico commands my support, not because of my ability to interpret the Constitution, where wise men on both sides of this Chamber honestly divide, but because it seems to me I can interpret the principles of the Christian faith, and because in the tendencies of the measure it is humanitarian. We are not exploiting the people of Puerto Rico.

Every dollar of revenue raised under this tariff goes back, not to the rich people, not to the sugar or tobacco trust, not to great combinations of commercial bodies or capitalists, but is set aside as a sacred fund, held in trust by the President of the United States, to set in motion the everyday affairs of that island and relieve the present starvation that every witness appearing before the Insular Committee states exists at the present time in Puerto Rico. [Applause.]

King Humbert was invited to a feast at Pordenone, and accepted the invitation, and just as he was leaving for the banquet a telegram was handed him in which it was stated that cholera was raging at Naples and people were dying by the scores and hundreds, and he said: "They feast at Pordenone, but they die at Naples. I go to Naples."

I do not wish to individualize or particularize, but, witnessing some of the leadership here, and receiving the attacks that are made upon me, some thoughts come to my mind concerning latter-day Democracy, and it has seemed that it might become a duty to dedicate to one or two gentlemen upon this side of the Chamber who have been somewhat harsh in their criticism those thoughts, for I know no one who would be more worthy exponents of this latter-day creed. [Laughter and cries of "Go on!" "Go on!"]

I may not on this occasion conclude to use any or all of the matter; certainly some shall be held in reserve as being applicable, especially to one or two gentlemen upon this floor. Therefore, the few verses in characterization of attitude will be more general in their character, and other verses held for a more particular and select occasion.

[Here the hammer fell.]

Several MEMBERS. Go ahead.

Mr. SIBLEY. I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended for five minutes. Is there objection? The Chair hears none.

Mr. SIBLEY. I will therefore dedicate the following thoughts to two or three gentlemen upon this side of the Chamber:

Living in serfdom to years that have flown,
Clinging to dogmas the world has outgrown;
Choosing to march in the dust of the rear,
Failing in vision to duty that's clear.

Sluggards in plowing for harvests of grain,
Thrashing old straw with laborious pain;

[Laughter.]

Lacking in force to inaugurate good,
Hindering and carping at others who would.

[Laughter.]

Chained to a corpse, you darken your room,
Hanging your windows with curtains of gloom;
Dreading the morrow and shunning the light,
Creeping 'mid shadows and groping in night.

Playing in statecraft an ignoble part,
Obstructing commerce in life's busy mart;
Forbidding new methods place in your brain,
Acting as brake, never moving life's train.

[Applause on the Republican side.]

Fighting phantoms for foemen, boasting your bravery,
Prove yourselves honest, charging others with knavery;
Abandoning principles, having no plan,
Landing as statesmanship catch-as-catch-can.

[Laughter and applause on the Republican side.]

Mr. TERRY. Can the gentleman from Pennsylvania, in his remaining time, answer this—

The CHAIRMAN. The gentleman from Arkansas is out of order. The gentleman from Virginia [Mr. SWANSON] is recognized.

Mr. TERRY. The time of the gentleman from Pennsylvania has not expired.

Mr. WILLIAM E. WILLIAMS. The gentleman from Pennsylvania has expired. [Laughter.]

Mr. SWANSON. Mr. Chairman, I am satisfied that the gentleman from Pennsylvania [Mr. SIBLEY] in recent years has been reading poetry, instead of politics or financial science, and hence I am not surprised at his political effusion; but I do not propose to reply to his criticism of gentlemen on this side. He comes here to-day and says he shall sustain this as a righteous measure. In the very language in which he said that he says he does it not on account of the conditions in Puerto Rico, because he knows there is suffering there, but on account of the higher question in the Philippine Islands. What does that show? It shows that the gentleman, by his own confession, is willing to put the hand of injustice on 1,000,000 people in Puerto Rico in carrying out his colonial policy in order to establish a precedent to meet a political exigency.

Mr. WILLIAMS of Mississippi. And to secure a Republican nomination in Pennsylvania.

Mr. SWANSON. Mr. Chairman, the chairman of the Ways and Means Committee [Mr. PAYNE] has changed his position every time he has gotten up here. He started out with free trade. Then he came in with a proposition for 25 per cent of the Dingley bill when new light came to him. Last night new light came to him again, a vision, a dream, and under that new light or dream he reduces it to 15 per cent. If he were to go on until next week and have another vision, I doubt not he would go back to his original proposition of free trade.

Mr. Chairman, he started out with the proposition that we should impose 25 per cent of the Dingley Act. Why? Because he desired to raise sufficient revenue by that bill to pay the expenses in Puerto Rico. He said we would raise about \$2,000,000 in revenue, and he said that amount was needed. He said the proposition of gentlemen on this side would result in a tax on the Treasury of the United States to that amount, and an appropriation to that amount would have to be made out of our Treasury, and he was opposed to it. To-day, by his own confession, in his amended bill, he admits there will be a deficit of \$750,000, to be followed by an appropriation from the United States Treasury to run the government in Puerto Rico.

Now, let us go further. The whole proposition has been presented on the question of revenue. What do we find? We find that the people in Puerto Rico are willing to raise more revenue than is necessary to pay all the expenses there. By the estimate submitted, including appropriations for schools, colleges, and

roads, and internal improvements, the total is about \$2,000,000. How do the people of Puerto Rico say they are willing to have that sum raised? By extending the customs laws and the internal-revenue taxes there. They manufacture one million and a half gallons of rum there every year. The tax upon that, under our laws, by extending our internal-revenue taxes there, would amount to a million and a half dollars a year at least. They consume in Puerto Rico a million pounds of tobacco every year, made into cigars and cigarettes. Put the internal-revenue taxes on that, and that would amount to a million dollars a year. That would make two million and a half dollars of revenue raised simply by extending our internal-revenue laws there—\$500,000 more than is necessary. Then the customs dues and also the additional internal-revenue tax on other articles would run the revenue up to \$3,000,000 a year, by the extension of our customs laws and internal-revenue laws to that island.

Mr. JONES of Virginia. Four million dollars.

Mr. SWANSON. Four million dollars, if we include the internal-revenue tax on tobacco to be imported here. It would only take \$2,000,000 to run the local affairs of the island, and from one to two million dollars a year would go into the Treasury of the United States to help pay the general expenses of the Federal Government. Now, these people are willing to do that. Petitions were sent here yesterday by General Davis asking for free trade and the extension of our customs laws and internal-revenue taxes. These people are willing to pay those taxes. Not a man, not a petition, has come here contrary to that. So, then, the excuse of taxation and revenue disappears.

Now, why is not that method pursued? Why should gentlemen antagonize these people, who are willing to pay more revenue than you say is necessary, if they are allowed to pay in their own way. They wish to have the tax collected on their rum and tobacco, and you impose it on their food and clothing. Why do you desire to force them to pay it in your way? There is no excuse except the pride of the Ways and Means Committee. It has got to be a question of pride with the majority of that committee. They must force through some kind of bill imposing customs duties. They have fought to force the President to abandon his position, and they come in here and tell you he has capitulated to them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWANSON. I ask unanimous consent that I have an extension of five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SWANSON. Now, if the President favors this bill, if the President has changed his mind, if the President has received more information, there is one way provided by the Constitution for him to inform Congress of that fact. That is to send a message to Congress, which, under his constitutional duty, he ought to do if he has changed. But is the constitutional method of communicating with Congress by the President also to be abrogated with the destruction of the Constitution?

Mr. GAINES. Will my friend yield?

Mr. SWANSON. I have but five minutes and I can not.

Now, Mr. Chairman, until the President takes this constitutional method of notifying us of the change, I shall believe that he still considers it the plain duty of this country to give free trade to Puerto Rico.

Behold the iniquity of this bill on sugar. Everybody knows that the sugar made in the Hawaiian Islands, amounting to 300,000 tons, shall come in free. Why that? Because Claus Spreckles, a Republican potential in the councils of the Republican party, owns the entire sugar industry of Hawaii. [Applause on the Democratic side.] In Hawaii sugar is raised by a system of contract labor amounting to slavery; and yet we give to his 300,000 tons of sugar a free American market, and while on this 60,000 tons of Puerto Rico sugar we impose a duty under this bill. [Renewed applause.] Tell me, if you can explain it, how the people of Puerto Rico are to be satisfied? How can you expect them to feel that there is justice given to the Puerto Ricans by the American people with this outrageous discrimination?

Mr. Chairman, the reason why the opposition are contending that this provision of the Constitution is not complied with, requiring uniformity of taxes and uniformity of burden, is because the other side want Congress to have the power to exercise through all time such discriminations and such injustice as it shall be disposed to. The Federal Constitution comes and says there shall be equality of burdens and equality of benefits; there shall be uniformity and equality of taxes and uniformity and equality of privileges. When you depart from that, there is an assumption that the benefits, taxes, and burdens all are imposed according to the caprices of Congress and the exigencies of a political party. Why, I listened to the magnificent speech of the gentlemen from Iowa [Mr. DOLLIVER], at first glittering with eloquence and animated with the love of country, and yet he closed with a selfish appeal to the Republican party to pass this bill for political exigency.

Mr. Chairman, if he thinks the Republican party can make political capital and deceive the people by the passage of this bill he is woefully mistaken. Its injustice is admitted by limiting it to two years. Its injustice is admitted by further reducing the amount to 15 per cent. You make a reflection upon your own constituency when you say this injustice must be done to make political capital for the Republican party. No party yet ever builded successfully on injustice.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOMPKINS. Mr. Chairman, I have from the beginning been opposed to this bill in the form in which it was originally introduced, conscientiously opposed to it; not because Congress has not the constitutional power and right to enact the proposed legislation, but because of its impropriety under the existing conditions and circumstances. I have said, however, from the beginning, and stated to the chairman of the Committee on Ways and Means a week ago, that if the Committee on Ways and Means would amend the bill so as to make it temporary only, so as to provide a limitation beyond which this tariff enactment should not be operative, that I would vote for it.

The bill as it has now been amended, with the amendment proposed, which has not yet been voted upon, will not only limit the operation of the bill to two years, but materially reduces the amount of the tariff, and it will go out to the country and to the world as a temporary measure only, as an emergency measure, simply to operate until this Government can enact and put into operation a system of suitable local taxation. When that system of local taxation shall be put into operation upon the islands, this tax will cease and free-trade relations between Puerto Rico and this country will be established. The bill in that form will justify my support, and in that form I shall vote for it. [Applause on the Republican side.]

Mr. FITZGERALD of New York. Mr. Chairman, yesterday my friend from Illinois [Mr. CANNON] stated that one of the reasons why this tariff should be imposed was because all the sugar and tobacco in Puerto Rico at this time was in the hands of the American Sugar trust and the American Tobacco trust. Looking for information, I asked the gentleman, if that were true, why reduce the tariff of the Dingley bill 75 per cent; and the only answer to the question that I could get, which was hardly satisfactory, was that I had become "red-headed."

The gentleman from Ohio [Mr. GROSVENOR] makes the same statement to-day as to the ownership of this tobacco and sugar. Now, if that be true, I should like some gentleman to explain how this reduction of the tariff is to benefit the poor Puerto Ricans. The report of the Committee on Ways and Means says that by thus imposing a duty of 25 per cent of the Dingley tariff a million dollars will be saved.

The gentleman from Illinois [Mr. CANNON] said:

Why, Mr. Chairman, these two great trusts have control now of both of these products in the island, and the moment they land here the price jumps up by the amount of the Dingley tariff bill, and they put the money in their pockets. Who can dispute that proposition?

Well, if that be true I would like to know how the Committee on Ways and Means arrives at this conclusion:

The price of sugar being fixed in the United States, it follows that this one-million-dollar reduction in tariff duty, or the greater part of it, would, at this very critical time, come to the rescue of the sugar producers of Puerto Rico. That it would infuse new life and vigor and hope into the people of this island needs no argument.

Now, Mr. Chairman, if we believe, as the Republican party does, that wherever trusts exist and are encouraged and assisted to the fullest possible extent by legislation the people are benefited, we could then hold up our hands and say, "Lord, help us, and give us more of such legislation."

Why, it has been repeatedly stated by members of the Republican party that there is sufficient legislation at present on the statute books to control trusts. The Republican party has evidently got new light on this question. In order to control trusts in their peculiar way, it is necessary that they should continue to reduce this tariff, so that the trusts may grow at the expense of the people. The Committee on Ways and Means say further in their report:

As the price of tobacco in the United States would not be affected by the passage of this substitute, the Puerto Rican planter would have the benefit of a great portion of this reduction of duty.

Why, how can they, if, as the gentleman from Illinois [Mr. CANNON] and the gentleman from Ohio [Mr. GROSVENOR], who evidently speak by the card, say, these two great trusts of this country control all the product there at present? Many explanations have been given for the additional 10 per cent reduction proposed to-day. It appears to me that some of the representatives of these two great trusts listened to the speech of the gentleman from Illinois [Mr. CANNON] yesterday, and in their great solicitude for their own welfare they hastened to the secret conclaves of the Republican party and demanded that this be reduced to the lowest possible point, so they would be paid in "coin" for the benefits they had given to the party in the last campaign and for antici-

pated benefit in the coming campaign. [Applause on the Democratic side.]

The issues presented here, Mr. Chairman, can not be avoided by any such claptrap. If this bill were intended to benefit the people of Puerto Rico, the same laws that are applicable to all other parts of the United States would be applied there, and no restrictions would be placed upon the people of that island in their efforts to trade with their fellow-countrymen here.

The people can not be misled by statements that the trusts are to be punished by this measure; for if that were true, what justification is possible by the majority on this floor for their apparent favoritism to trusts—only thinly veiled in such an explanation—other than that in the near future the same trusts will repay the Republican party even a hundredfold?

Mr. RIDGELY. Mr. Chairman, I wish to give notice that I will, at the proper time, if I can get the floor, offer as a substitute for the pending bill the following. As it has been said by some on the opposite side of the House that no one who is opposing this bill has proposed any measure to take its place and afford relief to the people of Puerto Rico, I offer here a measure which I believe will afford adequate relief and a much better method of aiding these people and meeting their immediate wants than the bill which is before us, or any of the amendments to the same that have been offered. My substitute will be this:

That the Secretary of the Treasury shall prepare and issue \$10,000,000 of full legal-tender Treasury notes and loan the same to the Territory of Puerto Rico for twenty-five years without interest, on condition that 4 per cent of the principal of said loan shall be returned each year after the date of said loan until all shall have been returned to the Treasury; and that said notes shall be redeemable only in payment of duties and revenues levied by the United States.

Now, gentlemen, if you mean business; if you propose to use the credit power of these people in aid of their own necessities; if you are as willing that the credit of this nation shall be used without interest as you are that the credit of this nation shall be used by issuing bonds upon which you are compelled to pay interest, then I appeal to you to give to the people of Puerto Rico the benefit of using the \$10,000,000 of the credit of this mighty nation on such terms as will cost the other people of the United States nothing. It will give the people of Puerto Rico twenty-five years in which to return to the Treasury of the United States this loan by the payment of 4 per cent of principal each year until the full amount of the loan shall have been returned. And you can relieve the Treasury of the necessity of redemption by making the notes redeemable only in the payment of duties and taxes levied by the Government.

Here is a strict business proposition, and I insist, gentlemen, if you are in earnest and want to do the proper thing, and in a way that will be the least burdensome to everybody, pass this substitute instead of your bill and you will render immediate relief to Puerto Rico, and do it in a business-like way. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

[Mr. HEPBURN addressed the committee. See Appendix.]

Mr. PAYNE. Mr. Chairman, before any other gentleman is recognized, I would like to ask unanimous consent for the adoption of the request that I wish to submit to the committee. I would like to have a vote on the pending amendment first, and then offer another on which gentlemen can proceed to address the committee.

I ask that all debate on the pending amendment be now closed.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection, and it was so ordered.

The question being taken, the amendment proposed by Mr. PAYNE was agreed to.

Mr. PAYNE. Now I offer the following amendment, to come in after the title of the bill and before the enacting clause:

The Clerk read as follows:

Whereas the people of Puerto Rico have been deprived of markets for a large portion of their products and have lost property and crops by severe and unusual storms, whereby they are impoverished and are unable to pay internal-revenue and direct taxes; and

Whereas temporary revenue is necessary for their schools, their roads, and their internal improvements and the administration of their government: Now, therefore, etc.

Mr. ROBINSON of Nebraska. Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] who has just addressed the House has again reiterated the charge which was made in the speech of the gentleman from Ohio [Mr. GROSVENOR] and repeated in the eloquent argument of the gentleman from Iowa [Mr. DOLLIVER], that in some way somebody outside the Republican party is responsible for the condition in which that party finds itself to-day, by reason of its having the Philippines on its hands.

Now that the time has come to formulate a policy by which these islands are to be governed; now that the question is forcing

itself upon the American people, whether you will extend to the people of these islands the same form of government which we ourselves enjoy, or whether you will compel them to accept a vassal form of government, you do not hear so much from the Republican leaders on the other side of the Chamber about it being the destiny of the American people to absorb these distant islands.

Why, less than a year and a half ago these same leaders asserted that it was the hand of Providence, the act of God, which had thrown these islands into the lap of the great Republic of the West, and then the boast was proudly made that the flag of this Republic was to mean the same kind of liberty in every place it was planted. It was then said that the flag would not mean one thing in the Philippine Islands and another thing in the United States. But since then a change has come over the spirit of their dreams, and now at the very outset they propose to deny to the Puerto Ricans the rights of citizenship; and following in the wake of the monarchies and kingdoms of the Old World, they propose to treat the inhabitants of Puerto Rico as subjects and not as citizens.

One year ago the treaty with Spain was pending in the United States Senate for ratification. The glamor of war was still over the American people and the Republicans were eager to grasp these new possessions, eager to launch this nation upon a policy of conquest and of holding an unwilling people by force of arms, but they were just as eager to deceive the American people as to their real purpose. They emphatically denied that their policy was one of imperialism.

This has not been a favorable year for the propagation of an imperialistic sentiment in the hearts of the American people. Much has happened to revive the love of human liberty which is characteristic of this race. England's policy of greed in South Africa has caused her to marshal all her military strength to strike down the smallest republic on earth, and despite the silence of the Administration upon this question, despite the efforts of the Republican party and the Republican press to lead the world to believe that our sympathies are with Great Britain in this struggle, the scene which is now being enacted there has stirred the great heart of the great American people to its depths.

The spectacle of liberty in bloody raiment struggling in South Africa, hemmed in on every side, outnumbered five to one, sounding the last call upon her trumpet loud and clear, bidding the last of her heroic sons to gather round her altar and give their lives in what seems to be an almost hopeless struggle for the right of self-government, can not help but strike the cord of sympathy and love of liberty in the breast of every true American.

This is not such a spectacle as would lead our people to believe that the pathway of imperialism is one of either glory or honor; and now that the Republican party upon this floor has been compelled to show to the country for the first time the kind of government which they propose for these new possessions, now that they clearly adopt the policy which means the striking down of the Declaration of Independence, the overturning and trampling under foot of the Constitution, they hear the first rumblings of the storm of protest, and with the ghost of Liberty rising in the island of Luzon, pointing the finger of accusation and reproach at the promoters of this policy, they show their craven spirit, and, cowering before the specter, they cry out, in the language of Macbeth—

Thou canst not say, I did it: never shake thy gory locks at me.

[Applause.]

And now, for the first time, they abandon the claim that it was destiny which brought this about, and upon the floor of this House their leaders dwell on the fact that a certain colonel of a Nebraska regiment, while this treaty was pending before the Senate, resigned his commission and came to Washington and influenced at least one Democratic Senator to vote for the ratification of the treaty of peace, and that therefore he is responsible for all the evils which now beset the pathway of the Republican party.

Mr. Bryan, when war was declared with Spain for the purpose of freeing Cuba, enlisted, as did thousands of other Americans, to fight in the cause of human liberty; but during the six months of his service he did not have a chance to take part in a single battle or strike one blow for the great cause of freedom; and so, when the war with Spain was over, when peace was practically declared, and when the assertion was made by a Republican President, and backed by leaders of less magnitude in the Republican party, that where the flag was once planted it would never be taken down, he knew what that meant; he knew that any further danger to the liberties of the people who had been for centuries oppressed by Spain would not come from Spain, but would come from the enemies of a republican form of government in our own midst here at home. He recognized the first screech of the vultures of greed and was not deceived by canting hypocrisy; and still true to his love of liberty, he withdrew from the Army and came home to continue the fight; and it may truthfully

be said that he has been actively engaged in one continuous battle for liberty ever since.

What was there in the course of Mr. Bryan regarding the ratification of the treaty of peace with Spain to justify the charge made by the Republican leaders upon this floor that it was done through any unpatriotic motive? Was it not a treaty which was approved by the Administration and by the Republican party? He did advise the ratification of the treaty of peace. That treaty provided for the payment of \$20,000,000 to extinguish the sovereignty of Spain in Puerto Rico and the Philippine Islands. We paid more than five times as much in money and gave the blood of our soldiers, a thousand times more precious than treasure, to guarantee freedom to the Cubans.

If we were willing to do this much for Cuba in the cause of liberty, \$20,000,000 was not much to pay for the liberty of a land inhabited by more than 8,000,000 people, who for more than a century had been struggling against the oppression of Spain. His course upon this question was as open as the day; he urged that this Government, in ratifying the treaty, should declare the policy it intended to pursue toward the Philippines and Puerto Rico. He wanted this nation to declare to the people of the Philippine Islands that we did not desire to enslave or oppress them, and that they were to have independence the same as Cuba. He wanted us to see that they were protected from outside interference while they established a government of their own.

Had you followed the policy advocated by Mr. Bryan, there would have been no slaughtering of the inhabitants of the Philippine Islands. You would not now be spending \$46,000,000 a year to hold in subjection an unwilling people; no ocean hearse would now be plowing the waves of the Pacific, draped in mourning, bringing home to our shores our dead, our wounded, our fever-stricken and insane soldiers. You would not now be seeking to fasten the yoke of bondage on the inhabitants of Puerto Rico; the agents of the sugar trust and tobacco trust would not be dictating to your Ways and Means Committee what kind of laws you should adopt for governing the unfortunate people of that island. You would be safe in the pathway mapped out by the fathers, which leads to liberty and the equality of man, and not be floundering in the broad road of imperialism, which leads all nations to destruction. [Applause.]

Mr. Bryan's position was publicly made known by him when the treaty of peace was pending before the Senate in an article which appeared in the New York Journal, entitled "Ratify the treaty—Declare the nation's policy." In the limited time I have upon this floor I shall not attempt to read the article, but will attach it as a part of my remarks.

The gentleman from New York [Mr. PAYNE], chairman of the committee having this bill in charge, stated in his remarks:

I want to furnish schoolhouses for every part of this island; I want the American flag to float over every one of them, and to teach patriotism as well as the English language.

If this law should pass, I would like to know what kind of schoolbooks you would recommend for use in that island for the purpose of teaching patriotism to the inhabitants. It would become necessary to revise and use the blue pencil of the censor before sending schoolbooks printed in the English language to instruct those children. It would be necessary to tear from within the covers the great Declaration of Independence, for that sets forth the great principles of the equality of man before the law, and declares that "governments derive their just powers from the consent of the governed," and that there should be no taxation without representation.

And this would not be all. You should tear out the sacred pages which contain the history of the Revolution, and let not appear therein the impassioned words of Patrick Henry:

Give me liberty or give me death.

Neither should the declarations and speeches of the immortal Lincoln find their way into the schoolbooks of these people, and, in short, every declaration ever uttered in behalf of human liberty by American patriots, living or dead, would be sadly out of place in the lessons taught these people, and would be as "sounding brass, or a tinkling cymbal," falling upon the ears of a people who themselves were denied the inestimable blessings of liberty. [Applause.]

The gentleman further stated that he wants—

The American flag to float over every schoolhouse on that island.

You may place the flag there and it may wave over a people overawed by power and subjugated through fear; it may wave in peace and you may call it liberty if you will, but you can not claim that it means to these people the same kind of liberty for which your forefathers fought at Lexington, at Bunker Hill, at Valley Forge, and Yorktown.

The gentleman would have the children in these schoolhouses taught patriotism. Patriotism is defined to be loyalty to one's country, and a patriot is one who loves his country.

What kind of patriotism, then, would he have taught to these children under the American flag in the schoolhouses of the island

of Puerto Rico? If this bill should become a law, they will have no country, neither would they be citizens of this Republic. They would owe allegiance to no country and no flag. To what government, then, would the gentleman from New York teach these children to be patriotic and loyal? The flag floating over the schoolhouses would mean nothing to them.

We have been taught that the flag has a meaning in every stripe and every star; that the stripes of red indicate the blood of the martyrs, shed in the cause of freedom; that the stripes of white indicate the purity of their motives, and the bars indicate the bars of imperial oppression which our forefathers broke. The stars set in the blue field are supposed to light the pathway of liberty throughout the world. Rather we should have a new flag to wave in Puerto Rico. In the language of the immortal Prentiss—

We should strike from the blue field of our banner the stars that stand for liberty and leave the stripes behind, a fitting emblem of their degradation and their shame.

The gentleman also stated in his remarks that the people of these islands manufactured annually one million and a half gallons of rum; that it is sold all over the island, and that it retails from 25 to 40 cents a gallon. He says it would not be wise to put an internal-revenue tax upon the rum, which would mean about \$1.20 a gallon, and would therefore increase the price about four times, and they would not be able to get rum. He says they are a poor people, and when the Government attempts to arbitrarily cut off the supply of rum from a community which has been used to it, there is going to be trouble, and there would have been trouble with these Puerto Ricans if we had passed it as it was first introduced by the gentleman himself, extending our revenue laws over the island, and in that way cut off their supply of rum.

I gather from the gentleman's statement that this country has the power to withhold from these people any semblance of civil liberty; that they will submit to that kind of treatment without objection; but should an effort be made to deprive them of their daily supply of rum we might expect a revolution in these islands at almost any time. If this statement be true, it would indicate that the inhabitants of Puerto Rico have either a very low idea of liberty or they have consumed a very poor quality of rum.

Upon reflection, however, I am inclined to the view that this proposition of the chairman of the committee, allowing free rum to the inhabitants of Puerto Rico, in view of all the facts, is something of a humane proposition after all, for if it be true that the inhabitants of this island are compelled to submit to laws enacted by a Republican Congress, where the character of the laws are to be dictated by the sugar trust and the tobacco trust, without any constitutional limits to restrain them, it would be an act of mercy, if not of charity, to keep them drunk as great a portion of the time as possible. [Laughter.] In the language of Solomon, it is recommended by the chairman of the Ways and Means Committee to—

Let him drink and forget his poverty, and remember his misery no more.

The argument is advanced here that the inhabitants of Puerto Rico are an inferior race, and are therefore to be treated with as much allowance as they are capable of enjoying, and everything is to be done for them as fast as their conditions will allow. This argument is as old as tyranny itself. No king ever mounted a throne, no monarch ever grasped a scepter on any other claim than that it was done solely for the benefit of the people he oppressed. I hate the whole theory and detest the whole argument.

It is against every principle of justice and right; it is the stone which oppression, usurpation, tyranny, and wrong has struggled to place at the tomb of liberty for more than five thousand years. Against this claim the lovers of freedom and equality have struggled through all the ages. When this yoke has once been fastened upon a people or a race, it has never been voluntarily released by the nation who exercised the power. There is but one weapon with which chains of this kind have been severed, and that is the cruel sword of war. This doctrine has made bloody the raiment of liberty and made it necessary for freedom at all times to wear the shining armor of war.

It has been urged by the other side that this bill is intended in a measure to protect the growers of the sugar beet in this country from competition with the sugar produced in the island of Puerto Rico. I represent in some degree a people who at this time feel an interest in the development of the sugar-beet industry. In my district there are in operation to-day two mammoth factories devoted to the industry of extracting sugar from the beet, but I deny that the people of my district demand the overturning of the Constitution, the turning of our backs upon the Declaration of Independence, and the enslavement of any race or people for the protection of any industry in which they are engaged.

So far as Nebraska is concerned, a State which I in part represent, I desire to say that the people who have farmed her broad prairies have never asked protection, nor do they need it. Through all the years their cattle, grain, and swine have been reared and sold in active open competition with the world. We are not rich, neither are we in want, and we are not poor enough, thank God,

to barter the heritage of liberty for the sake of gain. Neither do we fear the active competition of any race of people who are so sunk in ignorance, according to the statement of the chairman of this committee, that only 12½ per cent can read and write, and are unfit for self-government.

If the people of Puerto Rico are to be a part of the United States we ask that the helping hand be extended to them; that any industry which their climate and soil may favor be allowed to develop, and that they in all things shall share in the blessings of liberty and free government guaranteed by the Constitution, in order that they may in time rise to the dignity and knowledge which would befit them to become citizens of this Government.

It has ever been the yearning desire of a people who themselves have struggled against oppression and achieved liberty to preserve that liberty to their posterity; but written constitutions alone can not do it. These may be overturned and trampled upon. The decisions of a supreme court, and the words of a written constitution, no matter how pure and wise they may be, can not restrain a people whose hearts are fatally bent on injustice and wrong. All our forefathers could do to perpetuate liberty they did. They announced it in the Declaration of Independence and they placed the safeguard in the Constitution, which requires us as a people, if we adhere to it, to treat the inhabitants of all lands which we may acquire as brothers of the same common family of humanity.

That Constitution now stands in the way of the policy which would enslave the inhabitants of Puerto Rico—the one clause in the Constitution which declares:

The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

The framers of this Constitution knew that in modern times there is only one way for a people to grow rich and derive gain from the oppression of another people; only one way in which civilized nations can rob another race with profit; and that is by the power of taxation. They knew it was a dangerous power to intrust a strong and powerful nation with the control of a weaker one; they knew to what lengths the avarice and greed of man will go. They understood how men will clamor for a tax upon all forms of industry which compete with theirs, and they knew when this power is exercised it would mean retrogression and decay of the nations to whom the benefit of trade was denied and the building up of wealth in the hands of promoters of protected industries.

And so, with full knowledge of what they were doing, they placed that clause in the Constitution, and now it rises like a rock in the pathway of that spirit of selfishness and greed which would turn this nation from the pathway of liberty and lead it in the wake of the empires and monarchies of the world.

The framers of the Constitution could not guard against the danger that when this nation became strong and powerful it would not do as other nations in the past have done and practice oppression and wrong upon weak and helpless people; but they did all they could. They placed the doctrines of liberty in the safest place; they placed it above the power of Congress itself to destroy—above the power of the courts to undermine. Liberty under our form of government can not be surreptitiously dethroned. We must ourselves remove it, and the act must be done openly and in the light of day; and until the people who comprise this great nation themselves demand its fall it is safe.

This much our forefathers did; human ingenuity could do no more. When the people themselves know that the principles of liberty are being departed from, when they no longer cherish the trust and acquiesce in the change, then that last resting place in which our fathers placed it has been reached; then it is time for it to fall. This people will be unworthy longer to uphold its principles, and it must again take its flight and find its refuge in other lands and among other people, where its sacred presence is still welcome and its principles are still cherished and revered. [Applause.]

[Mr. Bryan's article on imperialism.]

"RATIFY THE TREATY—DECLARE THE NATION'S POLICY."

I gladly avail myself of the columns of the Journal to suggest a few reasons why the opponents of a colonial policy should make their fight in support of a resolution declaring the nation's purpose rather than against the ratification of the treaty.

The conflict between the doctrine of self-government and the doctrine of alien government supported by external force has been thrust upon the American people as a result of the war. It is so important a conflict that it can not be avoided, and, since it deals with a question now before Congress, it must be considered immediately. It is useless to ask what effect this new issue will have upon other issues. Issues must be met as they arise; they can not be moved about at will as pawns upon a chessboard.

The opponents of imperialism have an opportunity to choose the ground upon which the battle is to be fought. Why not oppose the ratification of the treaty?

First, because a victory won against the treaty would prove only temporary if the people really favor a colonial policy.

That a victory won against the treaty would depend for its value entirely upon the sentiment of the people is evident. A minority can obstruct action for a time, but a minority, so long as it remains a minority, can only delay action and enforce reflection; it can not commit the nation to a policy.

When there seemed to be some probability of the rejection of the treaty the friends of the Administration began to suggest the propriety of withholding the treaty until the new Senate could be convened in extra session. As soon as the new Senate will have a considerable Republican majority it would be quite certain to ratify the treaty. Thus an effort to prevent the ratification of the treaty would be likely to fail in the very beginning. But let us suppose it possible to defeat ratification in both the present and next Senate—what would be the result?

Would the imperialists abandon the hope of annexing the Philippines so long as they could claim the support of the President and a majority of both Houses? Could a minority of the Senate prevent the annexation of Hawaii? As we are now in possession of the Philippine Islands, the advocates of a colonial policy might secure an appropriation sufficient to pay the twenty millions agreed upon and leave the rest of the treaty for consideration. In other words, if the opponents of imperialism have a majority in both Houses they can declare the nation's policy; if the imperialists have a majority in both Houses, they can not be permanently thwarted by a minority in the Senate.

A resolution declaring the nation's policy recognizes that the destiny of the United States is in the hands of all the people and seeks to ascertain at once the sentiment of the people as reflected by their representatives.

If that decision is in harmony with the policy which has prevailed in the past the question will be settled and the people will return to the consideration of domestic problems. If, however, the advocates of imperialism either postpone consideration or control the action of Congress an appeal will be taken to the voters at the next election. So great a change in our national policy can not be made unless the authority therefor come directly and unequivocally from that source of all power in a republic—the people.

In answer to those who fear the question of imperialism, if discussed, will draw attention away from other questions, it is sufficient to say that the people can not be prevented from considering a question which reaches down to the foundation principles of the Republic. Instead of avoiding the issue it is the part of wisdom to deal with it at once and dispose of it permanently.

Second, The rejection of the treaty would be unwise because the opponents of the treaty would be compelled to assume responsibility for the continuance of war conditions and for the risks which always attend negotiations with a hostile nation.

The rejection of the treaty would give the Administration an excuse for military expenditures which could not be justified after the conclusion of peace, and the opponents of the treaty would be charged with making such appropriations necessary. It must be remembered that in case the treaty is rejected, negotiations must be renewed with an enemy who ill will is not concealed. Who is able to guarantee the nation against new dangers and new complications? In order to form an estimate of the risks which would thus be incurred, one has only to recall the unexpected things which have happened since war was declared. Is it wise to so make the attack as to assume all the risks when the same end can be gained by a plan which throws the risks upon our opponents? If the imperialists vote down a resolution declaring the nation's policy or postpone its consideration, they become responsible for any loss of life or expenditure of money which may follow as a result of such action.

I suggest below a few reasons in support of a resolution declaring it to be the nation's purpose to establish a stable government in Cuba and the Philippines and then to give the inhabitants independence under an American protectorate which will guard them against molestation from without.

First, such a course is consistent with national honor. Our nation owes it to the nations with which we have dealings, as well as to the inhabitants of Puerto Rico, Cuba, and the Philippines, to announce immediately what it intends to do respecting the territory surrendered by Spain.

The President has said that the only purpose the nation has in taking possession of Cuba is to assist the inhabitants to establish a stable and independent government. It can do no harm for Congress to reaffirm this purpose, and it may do much good. The Cubans, having fought for independence for many years against great odds, are naturally jealous of the liberty which they have won, and no doubt should be left as to the sincerity and good faith of our Government in its dealings with them. Such a declaration would not only be harmless, but it is almost made necessary by the flippant, if not contemptuous, tone in which some United States officials speak of the intelligence and patriotism of the Cubans and of their right to independence.

The duty of declaring our national policy in regard to the Philippines is even more imperative. The Filipinos were fighting for independence when the United States declared war against Spain. In the formal protest filed with the peace commissioners in Paris the representatives of Aguinaldo asserted that they received friendly assurances from United States officials, and acted upon those assurances in cooperating against the Spaniards. Whether or not such assurances were given, frankness and honesty should characterize our dealings with them.

If we announce to the world that we hold the Philippine Islands, not for pecuniary profit, but in trust for the inhabitants; if we declare that our only purpose is to assist the Filipinos to establish a stable and independent government, friendly relations will be maintained and there will be little need of troops. If, on the other hand, the Filipinos are not to have independence, but merely a change of masters, we should break the news to them at once and send over a large army to instruct them in the principles of a Government which, in one hemisphere derives its just powers from the consent of the governed, and in the other derives its authority from superior force.

While our nation is not prepared to draft a complete code of laws suited to the peculiar methods of the Filipinos, we ought to be able to decide at once whether we intend to deal with them according to the principles of our own Government or according to the customs prevailing among European monarchies. Even a Republican Congress ought to be able to choose without hesitation between a policy which establishes a republic in the Orient and a policy which sows the seeds of militarism in the United States.

The trade relations possible under a protectorate would be of more value to the United States than any which could come as a result of forcible annexation.

The people of Puerto Rico have not manifested any desire for political independence and would, in all probability, favor annexation; yet it is only right that they should have an opportunity to choose. The resolution authorizing intervention recognized the right of the Cubans to independence. To be consistent we must also respect the wishes of the inhabitants of Puerto Rico. The resolution could without impropriety offer annexation to Puerto Rico.

In a recent interview I suggested that the United States should retain a harbor and coaling station in the Philippines and in Puerto Rico in return for services rendered, and added that Cuba should be asked to make a similar concession on the same ground.

Second, A resolution declaring the nation's purpose presents a plain and clear-cut issue between the theory of self-government and the colonial policy. It presents a positive affirmative method of dealing with the question. In opposing the treaty we would be on the defensive; in outlining a policy we shall be aggressive. The strongest arguments which could be used in support of the treaty will lose their force entirely when Spain is eliminated and the American people are able to dispose of the question according to their own ideas and interests.

Third, It secures, by easier means, every end that can be secured by a rejection of the treaty.

If an officer of the law arrests a person in possession of stolen goods, he can either compel the return of the goods to the owner or he can first rescue them and then return them himself. We find Spain in the possession of a title to a part of the Philippines. She has not yet conquered all the native tribes, but the title which she has acquired by force and has been held by force. We can either compel her to surrender her title to the Filipinos, as we compelled her to surrender Cuba to the Cubans, or we can accept possession and then of our own accord turn over the islands to the inhabitants.

The peace commissioners might have demanded independence for the Filipinos as they did for the Cubans. If they did not properly interpret the wishes of the people of the United States, the blame must fall upon them and not upon the people. Certainly 70,000,000 citizens are under no obligation to abate their devotion to the ideals which they have cherished for a century in order to indorse the work of a Peace Commission or to approve of the instructions of an Executive.

If it is urged that the ratification of the treaty imposes upon us an obligation to pay \$20,000,000 to Spain, I answer, first, that this amount can probably be secured from the Filipinos in return for independence; and second, that if it can not be secured from them, it is better to lose the amount entirely than to expend a larger sum in securing a modification of the treaty.

It is better to regard the amount paid as a contribution to liberty than to consider it the market price of land, improvements, or people.

To terminate the war upon the same high plane upon which it was inaugurated is worthy of a great Republic; to descend from a sublime beginning to the purchase of sovereignty (for our own profit) from a nation whose title we disputed in Cuba would lay us open to the charge of Punic faith.

Mr. CARMACK. Mr. Chairman, I should like to have the attention of the gentleman from Iowa [Mr. HEPBURN] while I read the remarks uttered by him in debate in January, 1899, to which I referred a few moments ago. The gentleman from Iowa, in replying to some assaults made upon the President and to the charge that it was his purpose to set up a despotic government in the Philippine Islands and to retain them permanently under the sovereignty of the United States, made this reply:

Nothing that the President has done, nothing that he has said, justifies this assault. Nor has anything been done or said that justifies any gentleman in believing that the majority propose, when the proper time comes in their treatment of that people, to do other than that which we propose to extend to those who live nearer to our shores.

We have said that—
"The United States disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over Cuba except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to the people."

Who doubts that that is the purpose of the Administration? Who believes that there exists in the minds of any considerable number of people in the United States a thought other than that of giving them pacification, giving them opportunity to establish order and law under such a form of government, and with proper safeguards to liberty, as they choose? And that will be the time, I will say to my friend from Tennessee, when we should "sail away."

Why should we not pursue precisely the same course toward the people of the Philippine Islands? There is much more of interest to us in seeking the immediate and forceful annexation of Cuba than there is in seeking it in those distant seas.

[Applause on the Democratic side.]

We need probably coaling stations for the purpose of aiding our expanding commerce. Is there any gentleman that asks for more?

[Applause on the Democratic side.]

We shall, I doubt not, true to all the traditions marked out for ourselves, pursue in their case the same course that we marked out for the people of Cuba.

[Applause on the Democratic side.]

We will pacify their disorders; we will expel anarchy; we will give the people an opportunity to express their wishes—to form a purpose and then to form a government—and when they are self-sustaining and self-supporting, when they are able to maintain the government they have erected, then will be the time for us to "sail away" from Manila, and not till then.

[Applause on the Democratic side.]

These remarks of the gentleman were received with "loud applause" on the Republican side. We are willing that these words shall define the policy of the Democratic party.

Mr. HEPBURN. Now, if the gentleman will permit me, if I had the memory and the time, I would repeat every sentence that he has read, and I do not know where he will find any declared policy of the Republican party other than that.

Mr. CARMACK. Oh, Mr. Chairman, we do not have any declared policy from the Republican party with respect to anything on this question. [Applause on the Democratic side.] They are pursuing their policy without daring to declare it.

Mr. WILLIAMS of Mississippi. They are drifting.

Mr. CARMACK. Your leaders, the representatives of your party everywhere, in the other Chamber and in this Chamber, are manifesting their purpose to hold forcible control over the Philippine Islands and to annex them permanently to the United States, but you have never dared, as a party organization, to publicly declare what your purpose is.

Mr. WILLIAMS of Mississippi. The gentleman from Illinois [Mr. CANNON] said so.

Mr. CARMACK. Why, two of the great leaders of the party on this floor, the gentleman from Illinois [Mr. CANNON] and the gentleman from Ohio [Mr. GROSVENOR], have both declared that it was the purpose of their party to hold permanent control over the Philippine Islands, and if there is no such purpose, if you do not intend that thing, I would like to have some man on the other side of the Chamber get up here and now and say that such is not the purpose of the Republican party.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARMACK. I should like to have five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. CARMACK] asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CARMACK. Now, Mr. Chairman, I say, furthermore, that another distinguished leader on that side of the Chamber, the gentleman who now presides over this House [Mr. HENDERSON], declared that he was opposed to the permanent annexation of the Philippine Islands; and a distinguished Senator from the President's own State of Ohio boldly declared on the floor of the Senate that it was not in the mind of the Administration or anybody to permanently annex the Philippine Islands.

I say, Mr. Chairman, that it was because we had these assurances from such high authority that a number of Democrats did agree to the ratification of the treaty with Spain, believing that gentlemen so high in the party councils as the gentleman from Iowa were speaking for the Republican party; that the Republican party would keep faith with the people; that this would only be temporary annexation, and that we should deal with the people of the Philippine Islands as we had promised to deal with the people of Cuba. [Applause on the Democratic side.]

Mr. WILLIAMS of Mississippi. Only a few Democratic Senators were deceived.

Mr. CUMMINGS. Mr. Chairman, when the vital interests of our country are at stake and the liberty of the people is endangered, I believe it to be the duty of every man upon this floor to rise above party trammels and vote in accordance with his honest convictions. Believing this, after I had voted for \$50,000,000 to be spent by the President of the United States to prepare us for war with Spain, and after voting for the declaration of war, I stood here, rising above party, and voted for the revenue bill which provided money to carry on that war. In that same patriotic spirit I declare here to-day, with a full sense of my responsibility, that I shall vote for this bill. [Great applause and loud and long-continued cheering on the Republican side.] I shall vote for this bill, Mr. Chairman, provided it is amended as officially recommended by the President of the United States. [Loud and long-continued cheering on the Democratic side and general laughter.] Provided, Mr. Chairman, that it is amended as the President of the United States recommended, so as to provide absolute free trade with the island of Puerto Rico. [Loud cheers on the Democratic side.]

Now, Mr. Chairman, Puerto Rico is either in the United States or out of it. If the island is out of the United States, we have no business legislating for her here in any way whatever, and if she is in the United States, she is in the same condition as Arizona, New Mexico, Oklahoma, and the other Territories, and she ought to have some DENNIS FLYNN or PEDRO PEREA here representing her. [Laughter and loud applause.]

Now, Mr. Chairman, this measure ought to be amended so as to be entitled "An act to make a temporary purgatory for the island of Puerto Rico." You intended at first to put her permanently in purgatory, but the Committee on Ways and Means, with the religious prescience which always ought to characterize them, have limited the time in which she shall remain in purgatory to 1902. This limit has satisfied my friend from Vermont, Judge POWERS, whose legal if not Christian ability has been abundantly displayed on this floor, but it does not satisfy me. I would suggest to the gentleman from New York in charge of this bill [Mr. PAYNE] now, before pressing it to its passage, to amend it in accordance to the suggestion of the President in December last, and secure my vote. I am still standing patriotically by the President. [Great laughter and applause.]

Mr. LACEY. Mr. Chairman, I want to call the attention of the gentleman from New York [Mr. CUMMINGS] to the fact that there is a law in force in the District of Columbia against obtaining goods under false pretenses. [Laughter.]

Mr. CUMMINGS. How did you get Puerto Rico? [Laughter and applause.]

Mr. LACEY. Now, Mr. Chairman, I want to call my friend's attention to another thing. He voted for this proposition—the Newlands resolution, under which we annexed Hawaii—on July 7, 1898:

Until legislation shall be enacted extending the customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands and the United States and other Territories shall remain unchanged.

Now, there is a provision which has been in force nearly two years—a temporary arrangement—providing a different method of taxation by customs in Hawaii than that which prevails in the United States. In looking at the RECORD—and I call attention to part 7, volume 31, of the CONGRESSIONAL RECORD, second session of the Fifty-fifth Congress—I find the distinguished name of the eminent constitutional lawyer who has just taken his seat voting "yea" upon the proposition I have just read. I find further that Mr. RIDGELY of Kansas voted for that proposition;

Mr. DRIGGS of New York, Mr. COCHRAN of Missouri, Mr. ROBINS of Alabama, Mr. LIVINGSTON of Georgia, Mr. Jerry Simpson, another constitutional lawyer from Kansas [laughter]; Mr. MCCALL of Massachusetts, Mr. MEEKISON of Ohio, Mr. Benner, of Pennsylvania; Mr. NEWLANDS, who makes the minority report and who says that such a law is unconstitutional; Mr. LEWIS of Georgia, Mr. TAYLOR of Alabama, and last and greatest of all Mr. SULZER of New York. [Laughter.]

The CHAIRMAN. The gentleman from Georgia is recognized. Mr. CUMMINGS. Hawaii was here knocking at the doors of the Union—

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. LACEY. The gentleman wished me to yield to him for a question.

The CHAIRMAN. The Chair thought the gentleman had yielded the floor.

Mr. CUMMINGS. Hawaii was knocking at the door of the Union for admission?

Mr. LACEY. Certainly. So is Puerto Rico.

Mr. CUMMINGS. You snatched Puerto Rico baldheaded from the talons of Spain. There is a difference, my friend, and a big difference.

Mr. LACEY. Not at all. Puerto Rico is knocking for admission, and so was Hawaii. We said to Hawaii you will have to wait on free trade with the United States until we have a permanent government there, and we are saying the same thing to Puerto Rico. We are treating Puerto Rico just as we treated Hawaii.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUMMINGS. There was no treaty with Hawaii. There is one with Spain in reference to Puerto Rico.

Mr. MADDOX. Mr. Chairman, the gentleman from New York [Mr. CUMMINGS] asked the gentleman from Iowa [Mr. LACEY] how we came into possession of Puerto Rico. That is exactly what I want to talk about. We seem to have left that out of sight in all this discussion. Our Republican friends have not been so inconsistent as some of us on this side might think, although they started out in an inconsistent way.

This question of taxing the people of Puerto Rico is entirely consistent with the original programme of the Administration. The question, though, of taxing the American people is altogether wrong. Now, the gentleman from Ohio [Mr. GROSVENOR] the other day made these remarks, and I want to call his attention and the attention of the House to them. He said:

We will say to the people of this country, We have acquired the title to the Philippines and Puerto Rico. We did not go after them; but they came to us, and we could not help ourselves.

Now, is that the truth? When I heard him make that statement I could not understand it, but I do understand it to-day, since he admitted the fact that he does not know anything about the Ten Commandments. [Laughter on the Democratic side.] Let me call your attention to how we came into possession of Puerto Rico, and I want every man in this House to go back far enough to find that out. When the French ambassador offered his good services to bring about peace between the United States and Spain, and asked for some expression on the part of the United States, what was the second proposition submitted by Secretary Day?

Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless he can not be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the island of Puerto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrões, to be selected by the United States.

And Mr. Cambon in his reply says:

The United States require, as an indemnity for or an equivalent to the sacrifices they have borne during this short war, the cession of Puerto Rico and of the other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrões, to be selected by the Federal Government.

This demand strips us of the very last memory of a glorious past and expels us at once from the prosperous island of Puerto Rico and from the Western Hemisphere, which became peopled and civilized through the proud deeds of our ancestors. It might, perhaps, have been possible to compensate by some other cession for the injuries sustained by the United States. However, the inflexibility of the demand obliges us to cede, and we shall cede, the island of Puerto Rico and the other islands belonging to the Crown of Spain in the West Indies, together with one of the islands of the archipelago of the Ladrões, to be selected by the American Government.

And yet the gentleman from Ohio [Mr. GROSVENOR] comes before this body and tells the people of the country that these islands came to us and we could not help ourselves. Now, let me call your attention to the consistency of the Republican party. They took this island not out of mere pity or philanthropy. What does the record here say? They took it as an indemnity to insure us, to remunerate us; in other words, to pay us for the expenses of this war and for the losses of our citizens. That is what they took it for. Now, what is this proposition? To tax the Puerto Ricans

according to the understanding and the purposes for which these islands were taken would be entirely legitimate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

Mr. PAYNE. I am perfectly willing that the gentleman should have it, but I ask unanimous consent that debate on this amendment be closed in ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on this amendment be closed in ten minutes. Is there objection? [After a pause.] The Chair hears none; and the gentleman from Georgia asks unanimous consent that his colleague's time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDOX. Now, Mr. Chairman, I want to say that here is the proposition of the Secretary of State, which shows the way in which we obtained the island of Puerto Rico. We obtained it as an indemnity. We took it to pay us for the expenses of the war and to pay the damages that have accrued to our citizens by reason of the war.

Look at this inconsistent proposition. Here you propose to tax the people of the United States to support an island that you took to indemnify us against loss. Now, what sort of a business proposition is that? The gentleman from Ohio [Mr. GROSVENOR] said we had these islands, were going to keep them, and intended to make all the money out of them we could by enlarging our trade. Where is the money to be made when you propose to tax the people of your own country to support the island? Now, gentlemen, have they ever asked for any such thing?

I deny what the gentleman from New York [Mr. PAYNE] said, that these gentlemen who appeared before the Committee on Insular Affairs were bankers and merchants interested in free trade. I call attention to the fact that the farmers of that country were also interested, and were represented by one of the most intelligent men that addressed that committee. [Applause on the Democratic side.] What did they demand? That the American Government should live up to its promises as made to them by General Miles when they assisted him in conquering and driving the Spaniards out of Puerto Rico. They never admitted anything else.

I want to call attention to another proposition. Here is a temporary measure, they say, only to be enforced for a little while. Let me call your attention to a fact that has not been mentioned up to this hour, so far as I have heard. The farmers in that country are heavily mortgaged; they can not pay their debts, and the only thing that stands between them and bankruptcy is the Executive order of the President preventing the courts from foreclosing the mortgages, and that only extends for six months. Now, we propose to tax these people during that time and at the end of six months they will be sold out of house and home.

Now, that is Republican philanthropy. They know what it is, they know the facts, they know just what I have stated was evidence before our committee, that these people, their lands and homes, are mortgaged down to the guard. And but for the Executive order of the President of the United States on the 19th day of January these mortgages would have been foreclosed and these people sold out of house and home. In addition to that I want to say that these mortgages are held in the main by Spaniards who do not intend to become citizens of the United States; they have no such idea; they are waiting, according to the evidence before our committee, to be permitted to foreclose the mortgages which they hold on the lands of those people, and then to pick up the money that they receive therefrom and go back to Spain.

That is the evidence; those are the facts. They have the mortgages; and the only thing that stands between them and their money is the Executive order of the President which will expire in six months; and when that time is out what are the people who own those encumbered lands to do? You propose to make this bill only temporary. If that means that you propose to help the people of Puerto Rico in that way, a mere temporary measure will not do; the aid and assistance you intend by this bill will not be sufficient.

Mr. GROSVENOR. Mr. Chairman, I regret that the gentleman from Georgia [Mr. MADDOX] does not know the difference between slandering your neighbor and bearing false witness. I stated this morning that one of the commandments provided that you should not slander your neighbor. The gentleman says I do not understand the Ten Commandments.

Mr. MADDOX. You demonstrated that this morning.

Mr. GROSVENOR. I quoted the exact language; but the gentleman is in such a condition of mind toward this side of the House that he does not know the difference between bearing false witness and slandering one's neighbor.

Mr. MADDOX. If you know anything about them, some one told you.

Mr. GROSVENOR. Not at all.

Mr. MADDOX. But the gentleman from Ohio says "we" are

going to make money out of these islands. The question naturally arises, Who does he mean by "we?" He certainly does not mean the Republic when he says "we." It must be understood that the taxes to support the Federal Government are levied nearly entirely on what the people consume. Now, when we stop to consider the fact that three-fourths of the wealth of the country is invested in the trusts, railroads, banks, and other great corporations and that none of these chew tobacco, smoke cigars, eat sugar, or drink rum, it will be observed that it makes no difference how much tax you place on the people of this country to carry on their schemes in Puerto Rico and where they can make money, as all this business costs them nothing.

It is costing a great deal of money to hold these islands; vastly more than can ever be made out of them. The Government will never, in my opinion, be repaid, under the most favorable circumstances, in a century the amount that has been expended upon them. They will continue to be a burden to 95 per cent of the taxpayers of this country, who will never reap any benefit from them. But the trusts can exploit these islands and dispose of their wares, finding profitable investments for their ever-increasing profits. They pay but little, if any, of the tax that is required to protect them while they carry on their business. On the other hand, 95 per cent of the American people must pay the expenses of holding these people in subjugation, whilst our nontaxpaying wealthy may get what little the poor native may possess. These are the people to whom General GROSVENOR refers, I imagine, when he says "we."

[Mr. McCLEARY addressed the committee. See Appendix.]

The CHAIRMAN. Debate on the pending amendment is now exhausted. The question is on agreeing to the amendment of the gentleman from New York.

The question being taken, there were—ayes 163, noes 151.

Mr. MCRAE. In view of the brief time remaining for discussion I will not insist on tellers.

So the amendment was agreed to.

Mr. PAYNE. I offer the following amendment:

Amend the title of the bill so as to read: "An act temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes."

[Mr. UNDERWOOD addressed the committee. See Appendix.]

Mr. PAYNE. Now, Mr. Chairman, I ask a vote on the amendment; and then after that I am willing that the time of the gentleman from Alabama, if he desires additional time, may be extended.

The amendment proposed by Mr. PAYNE to the title of the bill was again read and agreed to.

The CHAIRMAN. The gentleman from Vermont is recognized.

Mr. GROUT. Mr. Chairman, I was so completely absorbed in committee work all last week that I did not follow this debate, and did not even read the bill until Saturday evening. I felt that I could trust the Committee on Ways and Means, made up, as it is, of the most experienced and able men of the House, to lead me on this question.

But when I learned that the Republican ranks were disintegrating, that from our own side of the House was heard the echo of the howl—the stock howl from the other side—that "it is unconstitutional" and violative of our pledges to the people of Puerto Rico and unfair and oppressive to them, I began to fear lest this great committee might have presented to us an unworthy measure; but when I came to read the bill my fears all vanished.

Now, what does this bill propose? But, first of all, let us take just a glance at the situation in Puerto Rico. It has but lately come into our hands through the fortunes of war, and until we establish for it a permanent government it is our duty to provide temporarily for the preservation of order, the administration of justice, the education of the children, and for the care and support of such as can not support themselves; and of this last class there is a large number, which has been much increased by the destruction of a large share of the products of the earth by the terrible tornado which swept the island last summer and has left many poor people in a starving condition.

Now, judging from the graphic description by young Alexander Hamilton of a hurricane in the West Indies, which, you will remember, first brought him as a lad into prominence, it can, I think, be fairly said that it is one of the most terrific things on earth, unless from the list of horrors we except a constitutional argument in the House of Representatives. [Laughter.]

Anyway, the tornado left large numbers destitute who must be fed, and it has been estimated by General Davis, now administering affairs in the island, that for this purpose, including expenses of government, schools, etc., it would take \$2,000,000 for the year.

The practical question at once arises, How shall the money be provided? Suppose a bill had been brought in to appropriate this

\$3,000,000 from the Treasury to meet this expense, what would our friends on the other side of the House have said? Would they have approved it? Nay, nay.

They would have said, and rightfully, too, that the people of Puerto Rico ought to pay the expenses of an economical and just government of the island, and there would have been no answer to their claim. But such a bill was not brought in, and instead thereof we have the bill before us as a temporary measure to provide the revenue for this necessary expenditure.

Now, let us for just a moment look at the provisions of this bill, keeping in mind that aside from the constitutional objection the only criticism of it is that it is unfair and oppressive to the Puerto Rican people.

First, the bill provides that all importations coming into Puerto Rico from foreign countries shall pay as duty the rates prescribed by the Dingley law; and of this I do not understand anyone who believes in the doctrine of protection to complain. Of course our Democratic friends find fault with this, but they conceive it to be their mission to find fault with everything that this side of the House may do. Besides, they are free traders anyway.

Second, it provides that on all articles going into Puerto Rico from the United States 25 per cent of the Dingley rates shall be paid. But if, as we protectionists contend, the shipper of goods into a country where they encounter a tariff pays the duty, then the Puerto Ricans do not pay this duty. Our own people pay this duty; and while they might perhaps raise some objection to the provision, how can it be said to be oppressive to the Puerto Ricans?

In the third place, the bill provides that all goods coming from Puerto Rico into the United States shall pay a duty of 25 per cent of the Dingley rates. Now, this duty the Puerto Ricans pay; and if it went into the Treasury of the United States and the people of Puerto Rico were taxed in some other way for the support of their government, it might well be said it was an unjust exaction from that people.

But the bill provides that every dollar so collected shall be turned over to the President and expended for the benefit of the people of Puerto Rico—in charity to the poor, for schools and courts, and the like. And who doubts that under the Army officers still in control there the money will not be honestly and wisely expended? And who also can fairly say that this is unjust taxation of the people of that island? Of course, if this tax were to be paid by the poor people there, it would fall heavily upon them; but it is not.

Remember, this is a tariff duty on imports coming from Puerto Rico into the United States, which are principally sugar and tobacco. The sugar and tobacco planters of Puerto Rico will pay this duty—men who are amply able to pay it. For instance, there are, in round numbers, 60,000 tons of sugar produced in the island which comes into the United States.

It fell out in the hearings before the Committee on Ways and Means that one man, an Englishman, produced 3,000 tons of this sugar, and that there were several other large planters producing nearly as much.

Now, this man would pay a little over \$25,000 duty on his 3,000 tons of sugar, and the whole 60,000 tons would pay about \$500,000 of this \$2,000,000 necessary to govern the island and properly care for her people, and who can object to this Englishman and these other rich sugar planters paying this sum toward defraying the expenses of the government which protects them in their business? Internal-revenue taxes would not reach them, and this is the only practical way of doing so.

Of course you can see that all these gentlemen want free trade, that they may save this \$500,000. And you can easily understand that with this \$500,000 at stake these Puerto Rican sugar men could readily organize the noisy campaign against this bill to which the House and the country is being treated.

But the sugar men are not alone. The tobacco men, who will pay a considerable amount of this tax, are with them, and together they make quite a crowd and quite a noise. One thing, however, should be kept in mind, viz, that these men are abundantly able to pay this tax, and that it is really a small contribution for the protection of their property.

But the Constitution expounders of the House say that a great principle is at stake. Some claim that the Constitution extends over Puerto Rico, and that we must treat the people there in every way just as the people of the States are treated. Others claim that the Constitution does not extend over the Territories and that we can treat them as we will, answerable only to the public opinion of the world and to our own consciences, and this is probably the view that will be ultimately adopted, but it is not important in the consideration of this bill.

Now, as showing the real character of these constitutional debates, it need only be said that in the one now raging decisions of the Supreme Court have been invoked in support of each of these claims. Chief Justice Marshall, speaking for the court, limited the Constitution to the States, and later Chief Justice Taney, speaking equally for the court, spread the Constitution over all the Territories and sent with it the institution of slavery.

And it was this decision that in the evolution of great events brought into existence the Republican party, a party at last with an intelligent conscience and guided by great moral purposes. It sprang into being as a protest against the Dred Scott decision, and has led the march of liberty, progress, and prosperity ever since. [Applause.]

The Democratic party at once drew the Constitution on the young Republican giant at every point. It was unconstitutional to elect Abraham Lincoln President; unconstitutional to put down the rebellion; unconstitutional to free the slaves; unconstitutional to pass a protective-tariff law; and now it is unconstitutional to make the rich planters of Puerto Rico contribute by means of that law for the support of the Government under which they live.

But meanwhile the Republican party has gone steadily forward in its high mission, and has settled all these constitutional questions as they have arisen, not always in the courts, but always with the approving conscience and common sense of the American people.

And in due time, when we take up the great question of settling permanently the relations between our new possessions and the United States, it will be done in a way to command the approval not only of our own people but of all mankind.

Meantime, the "Constitution expounder" will continue to be heard. Like the brook, he will probably "go on forever."

But that he may see himself "as others see him," let me give, as fairly descriptive of him, Burns' extempore verse in the court of sessions on the lord advocate. I always think of it when I see the "Constitution expounder" "in a fine frenzy rolling."

He clench'd his pamphlets in his fist,
He quoted and he hinted,
Till in a declamation-mist,
His argument he tint'd it;
He gaped for 't, he gaped for 't,
He fand 'twas awa, man;
But what his common sense come short,
He eked it out w' law, man.

*Lost it.

[Laughter and applause.]

[During the delivery of the foregoing, the time of Mr. GROUT having expired, by unanimous consent it was extended for two minutes.]

Mr. GROUT resumed and completed the delivery of the foregoing.

The CHAIRMAN. The gentleman from Indiana [Mr. ZENOR] is recognized. [Cries of "Regular order!"] The time of the gentleman from Vermont has expired. The gentleman from Indiana is entitled to the floor.

Mr. ZENOR. Mr. Chairman, the pending bill is, in my judgment, not only vicious in principle and unconstitutional in its provisions, but should be opposed by every member of this House who is desirous of preventing the establishment of a dangerous precedent in the future legislation of this country. It proposes to deal with the people of the island of Puerto Rico and our relations with that island. Mr. Chairman, this is the first measure of its kind yet presented to this body. While seemingly not a measure of much moment, yet it involves questions of the gravest import to the people of this country. The first section of this bill declares that its provisions shall apply only to the island of Puerto Rico and to the adjacent islands and waters as described in the treaty of peace concluded between the United States and the Government of Spain April 11, 1899. The second section provides that all merchandise imported into Puerto Rico from ports other than the United States shall pay the rate of tariff duties collected on merchandise from foreign countries imported into the United States.

In other words, this section seeks to place Puerto Rico substantially in the same position with reference to tariff laws and duties that the United States now occupy under our tariff laws toward all other countries, and is a virtual extension of our laws upon this subject to the island of Puerto Rico upon all articles embraced within this section of the bill. The third section imposes a tariff tax on all articles of merchandise coming into the United States from Puerto Rico, or going into that island from the United States, at a rate equal to 15 per cent of the duties collected on merchandise imported into the United States from foreign countries; and further provides that the duties collected in the United States ports upon manufactured goods from Puerto Rico shall be equal in rate and amount to the internal-revenue tax imposed by the United States upon the same articles manufactured in the United States, and in addition thereto 15 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries; and that duties collected in the island upon manufactured goods from the United States shall be equal to the internal-revenue tax imposed in Puerto Rico upon articles manufactured therein, and in addition thereto 15 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries.

The fourth section simply provides that all the duties and customs collected at the ports in Puerto Rico, less the expense of collection, and the gross amount collected at ports in the United States under the provisions of the bill shall be turned over to the President to be disposed of for the benefit and used in the payment of the expenses of the island. These are, Mr. Chairman, the provisions of the pending measure, and it may be frankly confessed that upon their face they are very simple and easily understood. And while apparently intended for a wise and patriotic purpose, and apparently innocent and harmless in themselves, yet, as suggested in the report of the views of the minority, the bill raises two vital and important questions:

First. The right or power under our written Constitution to enact the measure.

Second. Whether, if we have the power, Congress should exercise it in the manner provided in the bill.

In my judgment, Mr. Chairman, these questions can receive but one answer. Having arrived at the conclusion that I can not yield my support to this measure, I wish briefly to state some of the reasons that impel me to this course. In doing this, Mr. Chairman, I may be pardoned for calling attention to the recommendation of the President in his message to Congress last December upon this most important subject. After discussing the results of our recent war with Spain and showing the condition of the people of Puerto Rico and our new relations to that island, the President uses this language:

That our plain duty is to abolish all customs and tariffs between the United States and Puerto Rico and give her products free access to our markets.

Mr. Chairman, this view of the President is corroborated and enforced by the Secretary of War. In his last report, speaking upon the subject of our duty toward the people of this island, he makes use of this significant language:

The question of the economic treatment of the island underlies all the others. If the people are prosperous, and have an abundance of the necessities of life, they will, with justice, be easily governed, and will, with patience, be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous.

The principal difficulty now on the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live on the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their products are in the main coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products. I most strongly urge that the custom duties between the United States and Puerto Rico be removed.

Not only this, Mr. Chairman, but the present military governor of this island, General Davis, a man of conceded ability and conservative judgment, whose temporary residence and official position in that country and means of observation entitle him to speak with more accuracy and greater authority than perhaps anyone else, in his report suggests that in legislating for this island free trade should be given the people of Puerto Rico as between them and the United States.

But still more earnestly is the plea made for the abolition of all customs and tariffs between the United States and Puerto Rico by the representatives of Puerto Rico herself, now here at this capital, asking for no aid or help except free markets for their products.

These are the official views, shared and expressed by the highest officers of the Government less than three months ago, concurred in by the people of Puerto Rico, concerning our plain duty toward this territory. This bill is not only in the face of the policy of the Administration as thus outlined by the President and Secretary of War, but, in my judgment, in violation of the fundamental law of the land. What has induced the majority of the Ways and Means Committee in framing and presenting this measure to thus attempt a change in that policy is an undisclosed secret, withheld perhaps on grounds of public policy? If the President or his Secretary of War have for any justifiable reason changed their views, no advocate of this bill has cared to mention the fact upon this floor. The President, in suggesting in his message that all customs and tariffs between the United States and Puerto Rico should be abolished, did not do so without giving his reasons. He assigned as his reasons therefor:

That the island had been denied the principal markets she had long enjoyed, and our tariffs had been continued against her products as when she was under Spanish sovereignty. That the markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be opened up to her products.

These views of the President, whatever his reasons or motives for publicly expressing them, and I assume them to have been inspired by high and patriotic considerations, are in strict accord with my understanding of the rights of the people of Puerto Rico and our constitutional obligations. When we acquired the territory of Puerto Rico and adjacent islands and all the territory that

came to us as a result of the Spanish war, Cuba excepted, they became a part of our domain and subject to our jurisdiction and control. For it may be conceded, I think, as well settled that the United States may acquire territory, either under the treaty-making power or war power conferred upon Congress by the Constitution or by virtue of its general powers of sovereignty as a nation, and that the power to govern the acquired territory results from the right to acquire and also from that provision of the Constitution, section 3, Article IV, which declares:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The question of primary importance, in fact, the one overshadowing in its importance all others in this discussion, is, in my judgment, the question of the legal status of this territory and its relation to the United States with respect to our power to impose tariff duties as provided in this bill under the treaty, Constitution, and laws of our country. It is maintained by those upon the other side of this Chamber, representing the present Administration, that this and other territory, including the Philippine Archipelago, acquired as a result of our late war, became territory belonging to the United States, but not a part of the United States; that, being territory belonging to the United States and not a part of the United States it is not subject to the provisions, limitations, and prohibitions of the Constitution, and may be governed and controlled in the discretion and under the plenary power of Congress; that the Constitution imposes no restraint upon the power and discretion of Congress to so govern. This extraordinary and startling doctrine is announced and reiterated upon this floor by the advocates of this bill with an assurance and self-confidence that almost defies criticism. On the other hand, it is contended on this side of the Chamber and the Democratic position is, as I understand it, that the territory thus acquired, as has been the case with all territory heretofore added to the Republic, became a part of the United States and subject to the operation of the restraining influence of the Constitution, and that Congress, in undertaking to legislate for such territory and the people thereof, must do so under the provisions of the Constitution and not outside of it.

The doctrine announced by the majority report filed in support of this bill will not fail, in my opinion, to sound a note of alarm to every lover of constitutional government. Here is what they say in concluding that report:

Upon the whole, we conclude—

First. That upon reason and authority the term "United States," as used in the Constitution, has reference only to the States that constitute the Federal Union, and does not include Territories.

Second. That the power of Congress with respect to legislation for the Territories is plenary.

Third. That under that power Congress may prescribe different rates of duty for Puerto Rico from those prescribed for the United States.

It may be well to recall in this connection the resolution introduced in the Senate by the junior Senator from Indiana but a short time since, which was heralded over the country through the public prints as the semi-official expression of the views of the President and the Administration upon the subject of the Philippine policy. This resolution is short, and I quote it in full. It is as follows:

That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

Here is the declaration that the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to hold them in perpetuity and govern them under the plenary power of Congress for all time. George the Third never gave utterance to a more despotic assertion of arbitrary power. It will not do to say that the American people are too patriotic and liberty-loving; that they are too thoroughly imbued with the spirit of our free institutions and too much devoted to the cause of human liberty ever to permit abuse of this absolute power.

It is not the patriotism and devotion to country of the advocates of this new departure, this dangerous policy, that I so much question. It is the opportunity that the establishment of such a doctrine would give to men who may not at some future time be so safely trusted. It is the first step in the march of imperialism, breaking down and overriding the safeguards of the Constitution. Let it be once understood that the representatives of the people have set the pace for the exercise of arbitrary and despotic power; that they have undertaken to determine the rights of man—natural rights, rights which belong to him without constitutions; rights which are guaranteed to the people of the Territories by the Constitution, without reference to law and in defiance of constitutional mandates—and you will have set in motion the agencies that will not only destroy the safeguards of the people, but inaugurate a reign of unlicensed power that will prove a perpetual menace to free government.

Those rights inherent in mankind have been denied and the subject of abuse by usurpers and tyrants in the past, and may be again. I can not bring myself to concur in the view expressed by some, that national sovereignty is lodged in Congress or any one of the great coordinate departments of the Government, nor, indeed, in all combined, but rather that the fountain of all supreme right, the foundation of all sovereignty, is in the political unit called the people. I do not concur in the view that there is any expressed grant of the sovereign power assumed, nor that it exists by any reasonable or necessary implication, and I do not believe that there is anywhere in any department of the Government an unlimited, sovereign, despotic power. Such a theory is opposed to the teachings of all our wisest and best statesmen and contradictory of the fundamental principles upon which the fabric of our Government is erected.

The people originally framed the Declaration of Independence and proclaimed certain well-defined principles in the very inception of our national life which are the foundation stones of all republican government. Among these is the declaration that all just governments derive their powers from the consent of the governed; that all men are created equal and endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. Mr. Chairman, we can not afford to violate these great cardinal principles of government; and yet it is boldly asserted in derogation of these fundamental rights that the Philippine Islands are to be subjugated, held, and governed in perpetuity.

I protest, Mr. Chairman, that this policy is a violation of every principle of self-government; that there is no power lodged in Congress, no power in any branch of the Government or in all the branches combined, to make any other or adopt any other than a representative government in any territory which may be acquired or added to our Union. But, Mr. Chairman, there is another part of the Constitution more particularly applicable to the bill under consideration and more directly involved. That is the provision that "duties, imposts and excises shall be uniform throughout the United States."

Section 8 of Article I of the Constitution provides that—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

The provisions of this bill violate this rule of uniformity prescribed by the Constitution, if the island of Puerto Rico is a part of the United States. I know it is sought to evade this plain provision of the Constitution by gentlemen on the other side. They contend that Puerto Rico is not a part of the "United States" in the sense of the Constitution; that it is merely territory belonging to the "United States," and not included within the meaning of the term "United States" as used in this section of the Constitution, and hence not subject to the operation thereof nor controlled by any restrictions set out in that instrument.

This contention is attempted to be sustained by an ingenious and somewhat plausible argument to the effect that the term "United States" is used in the Constitution in two senses. That wherever this term is used without "more" it has reference to the States composing the Union and does not include Territories. That in every case where the term "United States" appears it has reference only to the political corporation in which is represented the sovereignty of the States, except in three instances, and there the intention that the Constitution shall have an operation outside of the United States is clearly indicated. Now, this is an important question. If it shall be clearly demonstrated that the contention of the friends of this bill is correct and that Territories are not part of the Union, not a part of the Republic, then much strength will be given to the position they assume.

There are several provisions of the Constitution in which the term "United States" appears, first, Article IV, section 3, clause 1, provides that—

New States may be admitted by Congress into this Union, etc.

Second, Article IV, section 3, clause 2:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

Third, the thirteenth amendment provides:

Slavery shall not exist within the United States or any place subject to their jurisdiction.

In Article II, section 1, paragraph 3, it is provided that the day on which electors shall be voted for "shall be the same throughout the United States."

In Article I, section 8, paragraph 4, it is provided that bankruptcy laws shall be uniform "throughout the United States."

So Article I, section 8, already quoted, provides that—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Now, if, as contended, the proper construction of this last cited section excludes Territories, if it is to be understood as meaning only the States composing the Union, then there is some force in the position assumed that this bill, proposing to levy a tariff upon articles imported into the United States from Puerto Rico and into Puerto Rico from the United States, is not a violation of the rule of uniformity prescribed in this section of the Constitution.

And if this be true, then there is no prohibition resting upon Congress to levy the same or any other rate of tariff upon articles imported from the Territories of Arizona, New Mexico, or Oklahoma into the United States, or that would prevent the same power from levying such tariff upon all articles imported into either of these Territories from the United States. Mr. Chairman, there would seem to exist no reason for a discrimination that would justify or warrant any difference in the treatment of these Territories. They are all Territories belonging to the United States. They are all a part of the United States.

I concur in the views expressed by the distinguished gentleman Mr. NEWLANDS, of Nevada, which are incorporated in and made a part of the minority report upon this bill, that the term "United States" may be used in two senses—one politically, having reference only to the Government; the other geographically, and relating to the area governed. In the political sense the term "United States" means simply the States composing the Union, for in the people of these States is reposed all governing power of a Federal nature. They alone select the President; they alone select the State legislatures, which in turn select the Senate; they alone select the House of Representatives; they alone select the law-making and law-executing branches of the Government, through which the Supreme Court and other inferior courts provided for by the Constitution are organized and established.

The "United States" which governs consists of the States composing the Union. The "United States" which is governed consists of the entire domain of the United States, Territories as well as States. This, Mr. Chairman, is the logical and, as it seems to me, the only practical view to take of this matter. It involves no inconsistency, but, on the other hand, seems to blend harmoniously with the purpose, intent, and design of the founders of our Government, and is in accord with its practice and traditional history from its organization. Much has been said in this discussion concerning the framework of our Government; about the powers possessed by Congress under the Constitution over territory acquired and becoming a part of the United States; whether or not Congress has absolute or limited power to govern and make rules and regulations concerning such territory. Upon this question divergent and opposite views have been expressed.

It is maintained, as before suggested, by those upon the opposite side of this Chamber that under the conditions surrounding Puerto Rico at this time Congress has unlimited plenary power to make such rules and regulations for its government as it may see fit and deem wise; that the provisions of the Constitution do not apply to the island or its people nor operate upon Congress in its exercise of the sovereign right to legislate for that possession. It is true they admit that in the exercise of this right Congress should and will be governed by the spirit of the Constitution and the Declaration of Independence, and that no fear need be felt that any injustice will be done the people of Puerto Rico or the inhabitants of the Philippines or any other of our new possessions by the party in power. But, Mr. Chairman, this is not the question. I object to any party assuming the right to go outside of the authority of the Constitution to legislate for the people of Puerto Rico or any other people.

I protest against the assertion that Congress has in this or in any other instance the absolute power to act without the limits of the Constitution. I affirm that the Constitution is the supreme law of the land and the only authority to warrant Congress in acting at all; that its powers are marked out and clearly defined by the provisions of that instrument; that the Government of the United States is a limited sovereignty, controlled by a written Constitution, which grants certain powers, limits others, and prohibits still others; that the granted powers, the limited powers, the prohibited powers, and the reserved powers to the States and the people, if all united and massed in one sovereignty, would constitute a veritable despotism; that just in proportion to the exercise of power by any one of the separate and independent branches of the Government beyond the limits placed thereon by the Constitution, just to that extent it becomes arbitrary and despotic. The Congress of the United States is the creature of the Constitution. All its powers are created by the Constitution, and if any limitations are imposed upon its powers in express or general terms, they must be applied to all legislation it originates; and such limitations will not be confined to that part only of its legislation which relates alone to the States composing the Union. The Congress of the United States was not intended by the framers of the organic law by which it was created to be a despotism in some parts of the Union, in relation to some parts of its territory, and a body of limited constitutional power in other parts.

So, also, Mr. Chairman, with reference to the powers prohibited

to Congress and denied to the States. It is impossible to believe that it was ever intended by the authors of the Constitution to authorize the exercise of powers by a Territory, acting under Congressional authority, which are denied to a State. If such a contention is conceded and it is once admitted that Congress can exercise plenary power, can go outside of the Constitution to legislate for the government of a Territory, then there is nothing to prevent its delegating to such Territory the same unlimited power of legislation when it shall have formed a government of its own.

Territories are erected into States when in the judgment of Congress the conditions are proper to admit them to statehood. This is done through the passage of an enabling act by Congress, prescribing the terms and conditions upon which they are to be admitted. This enabling act usually provides for the manner of organizing a form of State government. So, Mr. Chairman, the doctrine contended for by our friends upon the other side in its last and final analysis would lead to most absurd and fatal results. But, Mr. Chairman, we are not left to doubt or conjecture upon this subject.

Upon both the question of the meaning of the term "United States" and the nature and extent of the grant defined in section 8 of the Constitution, the Supreme Court of the United States has in more than one case fully discussed and settled these questions. I call attention to at least two of these cases. The first case is that of *Loughborough vs. Blake*, and the other the case of *Cross vs. Harrison*. The first case arose in the District of Columbia, and the second in California. I will not enter into detail of the facts of these cases. They have already been referred to and are familiar to all lawyers. Chief Justice Marshall, one of the most distinguished jurists that ever graced the bench of that eminent court, in deciding the case of *Loughborough vs. Blake* (5 Wheaton, 643), used the following language:

The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises," for the purposes thereafter mentioned.

This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. There words are, "but all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire?

Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

In *Cross vs. Harrison* (21 Howard, page 82) Justice Wayne, in deciding the case, said:

By the ratification of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage.

It has been sufficiently shown that the plaintiffs had no right to land their foreign goods in California at the times when their ships arrived with them, except by a compliance with the regulations which the civil government were authorized to enforce, first under a war tariff, and afterwards under the existing tariff act of the United States. By the last, foreign goods, as they are enumerated, are made dutiable; they are not so because they are brought into a collection district, but because they are imported into the United States. The tariff act of 1846 prescribes what that duty shall be. Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last becomes a part of the consumption of the country as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kind of goods; thus entering, by the retail sale of them, into competition with such goods and with our own manufactures and the products of our own farmers and planters. The right to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation "to take care that the laws be faithfully executed."

We will here briefly notice those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument, that there was neither treaty nor law permitting the collection of duties, has been answered, it having been shown that the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right.

Mr. Chairman, I shall not repeat the task of undertaking to analyze at this time the facts and legal propositions considered and settled by the Supreme Court in these decisions. This has been so often and well done and with such conspicuous and masterly ability by other eminent gentlemen during the course of

this discussion that any such attempt upon my part would be a work of supererogation. Suffice it to say, however, that while there are many other learned opinions of this court, and still more learned and able opinions of standard law writers of distinguished character and reputation, sustaining the Supreme Court in the two cases cited, in its conclusions upon the points involved, I deem it wholly unnecessary to encumber the RECORD with their citation in order to satisfactorily demonstrate the correctness of the position assumed upon this side of the Chamber as against the mere theories and unsupported dicta of gentlemen upon that side, anxious to inaugurate a new policy and establish a legislative precedent in support of an unwise, un-American, imperialistic, and unconstitutional doctrine.

Mark the language of the Chief Justice in rendering the opinion in the case of *Loughborough vs. Blake*, upon the very point in controversy in this discussion. These are his words:

It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the Territories west of the Missouri are not less within the United States than Maryland or Pennsylvania; and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

Here the court uses the term "United States," and propounds the query, "Does this term designate the 'whole' or 'any particular portion' of the American empire?" The court answers this query itself. The Chief Justice, in answer, uses this language: "Certainly this question." What question? Why, the question of the meaning of the term "United States" as used in this section. "This question," says the court, "can admit of but one answer." What is that answer? The court says:

It is the name given to our great Republic, which is composed of States and Territories.

Now, Mr. Chairman, with this language of the Supreme Court confronting us, with this strong and emphatic declaration of the Supreme Court upon this question, is there, I ask, room for further controversy? If the law as judicially ascertained and declared by this highest court of the land is to be binding upon this body, then I most respectfully submit that all further debate is closed, and we have but one duty to perform—to vote against and defeat this bill.

If the theory of the majority of the Ways and Means Committee shall prevail, the life of the Republic is threatened, and liberty, personal security, and safety will be put to the test. Just so sure as this bill shall pass, and its principles shall become a vital force in American politics, just that sure may we expect to witness in the fast-coming future the close of the glorious history of the American Republic and the opening pages in the beginning of a succeeding empire.

The last lingering hope to animate the hearts and stimulate the struggles of a free and patriotic people to maintain unimpaired the legacy of free government is in that refuge of safety, the Supreme Court. Had I not an abiding faith in the wisdom, integrity, learning, and patriotism of that high and exalted judicial tribunal, in this great conservative branch of the Government, in which is reposed the ultimate power to review and reverse the action of this body, when, driven by the stress of political exigencies and forgetful of the great fundamental maxims of self-government, it has entered upon a career of imperialism, I would indeed despair of the future and for the safety of the temple of liberty erected by the fathers and consecrated by the blood of our heroes.

But, Mr. Chairman, I do not despair. I have an unshaken confidence, an undoubting faith, that in that great court, above the influence of the decrees of party caucus or the exigencies of party politics, whatever the criticisms of the past, the people have a dernier ressort, whose patriotism, judicial learning, and fairness they can safely trust to turn back the tide of this imperial march to empire and centralized government. The key to the policy signaled by this bill was emphasized on day before yesterday in the speech of the distinguished gentleman from Ohio [Mr. Brown]. In the course of his speech he made no attempt to conceal the fact; indeed, he used language that clearly expressed his indifference to the fate of this bill, so far as Puerto Rico is concerned.

He said that Puerto Rico was but a small island, having a population of about a million of people, and not more than about 15 per cent of whom could read and write; that this island, with its small population, was not of so much importance as the great archipelago of the Philippines, with its eight or ten millions of inhabitants; that he was more interested in the passage of this bill on account of these people than the people of Puerto Rico.

This, Mr. Chairman, is a frank confession upon the part of the gentleman from Ohio, and I doubt not that it reflects the views of the majority of those favoring this bill, that the policy outlined in the pending measure is not intended so much for Puerto Rico as a precedent for the policy to be hereafter adopted toward the Philippines.

I do not, Mr. Chairman, attempt to give the exact language of the gentleman from Ohio; I give what I recall as the substance of what he said. The Republican party in this attempt to formulate some policy in harmony with their views upon the subject of the retention and future treatment of our new possessions, and at the same time accommodate that policy to the views of the great body of the people, have encountered irreconcilable interests and have become involved in the most absurd contradictions.

Since the introduction of this bill in this House hundreds and, I may say, thousands of remonstrances and earnest protests have been received by members of Congress from labor organizations, manufacturers of sugar, cigars, and various other industrial enterprises of this country. They unite in their protests against free importations from these new possessions of goods and articles raised and manufactured by the cheap and under-paid labor of these islands. They enter their solemn protest, not only against free trade between the United States and these islands, which bring the people of our own country in competition in trade with the people of these islands, but also against the immigration here of labor that is employed and paid at from 10 to 15 cents per day to compete with our labor.

To avoid this awkward dilemma the Republican party is compelled to assume an extraordinary position with reference to these islands. You contend that these islands occupy the anomalous condition of being both in and out of the Union at one and the same time; that they are in the United States for the purposes of being governed and controlled by the Congress of the United States, and out of the United States for the purposes of tariff taxation; that they are citizens of the United States for all purposes of Congressional action and taxation, but not citizens in the sense of being entitled to the protection of the Constitution; that they are a part of the United States in the sense that Congress is authorized to legislate and govern them at its own sweet will and pleasure, but not a part of the United States in the sense that the Constitution applies to them and protects them.

And this manifest incongruity is sought to be excused, this anomalous position justified, by the exigencies of the political situation of the Republican party. This may be well understood when it is known that if it be admitted that Puerto Rico and the Philippine Islands are a part of the United States and a part of this Union, and the moment that Congress takes the initiative and assumes to legislate affecting them in any way, that that moment the Constitution is extended over these possessions and they thereby become as much an integral part of our territory as any State of the Union, and their inhabitants as much citizens under its protection as the citizens of New Mexico, Arizona, or Oklahoma, then in that case the Congress could enact no law imposing tariff duties on articles brought into this country from those islands, nor restrain in any way the people of those islands from migrating at will to any part of the domain of this Republic, which the Supreme Court has held is composed of the States and Territories. Hence it is plain why the Republican party has assumed the unwarranted position its imperial policy has forced upon it of contending that these islands are not a part of the United States and that the Constitution does not apply to them.

Mr. Chairman, as much as I would regret to see the Philippine Islands annexed to the United States and the people of those islands made citizens of this country to compete, with their cheap labor, with our people; as much as I would deplore this fact and the free interchange of the products of that cheap labor with our people, yet these are but trifles compared with the great number of other more serious objections to such a final consummation; and yet, if the policy of the Republican party shall be maintained and enforced, there is no way of avoiding the evils against which our people are protesting.

Free trade with and free access to all parts of our country is the logical, legal, and constitutional sequence of the policy and doctrine of the Republican party; and however much the party may wish to avoid some of its consequences, and however anxious our people may be to be spared its prejudicial effects, they had just as well make up their minds to accept the situation if the glitter and greed of imperial—not natural and healthy, but imperial—colonial expansion shall be incorporated in and engrafted upon our system of government.

I do not wish to be misunderstood, Mr. Chairman. While I deem the permanent retention of the Philippine Islands as a part of our territory as impolitic and unwise, yet I believe that we should aid them in the establishment of a government of their own, when the islands become pacified, with such reservations of harbors, coaling stations, and territory as may be necessary to our commercial needs. With this end in view, I believe it is the solemn duty of this country, prompted by every consideration of patriotism and humanity, to declare its policy and purpose to be, when the conditions are such as to justify, to transfer to that people the sovereignty of this Government.

Our relations to Puerto Rico are entirely different. The people of Puerto Rico, from the time our armies took possession, have been friendly, loyal, and peaceable. They welcomed our generals

and troops upon the island as their friends and emancipators, and gave such incontestable evidence of their willingness to yield obedience to our authority, that no one now doubts the absolute sincerity of that people in their preference for American Government. The population is very largely composed of a people well advanced in education and civilization.

Out of about 1,000,000 inhabitants there are about 800,000 belonging to the white race. The value of the property of the island is estimated at from \$170,000,000 to \$180,000,000. Besides these islands belong to the Western Hemisphere, and lie close to our shores. There is no violation of the policy of our Government nor inconsistency with those principles to which we have always steadily adhered in our past in holding Puerto Rico, and in annexing that island with the full consent of her people to the United States; not as a colony, but with the ultimate view of statehood when conditions shall warrant.

Mr. Chairman, in the language of my distinguished friend from Illinois [Mr. BOUTELL], this is not the time to play politics. In this I fully agree with my friend. A great and important question is being considered—a constitutional question affecting the vital interests of 80,000,000 American citizens and from eleven to twelve millions of people of Puerto Rico and the Philippines, who have for more than three hundred years been held as unwilling subjects of the Kingdom of Spain. The decision of this question may shape the future destiny of the Republic and seriously affect the welfare and happiness of these millions of liberty-loving, self-sacrificing people.

I do not believe, Mr. Chairman, that the bloody sacrifice of the struggling people of the Philippines has been voluntarily made, that they have ruthlessly deluged their native land with its best blood and brought upon the heads of their innocent and helpless families all the horrors of a devastating war merely to gratify the brutal instinct of their savage and untutored nature.

No, Mr. Chairman, I prefer to believe that these people, in their long, patient, and persistent struggle against Spanish tyranny and for their independence, were actuated in that unequal but heroic struggle by the same spirit and inspired by the same moving causes that have characterized all people in all ages who have fought and won their way to freedom; that when, through the intervention of divine Providence, as their leader expressed it, but really through the fortunes of war, as I prefer to put it, our Army was on the eve of concentrating its forces on the island of Luzon and besieging the citadel of the enemy's stronghold, this leader of the Filipinos, recalled from his exile at the instance of an American officer, summoned his sturdy warriors about him and proclaimed to his followers that through the friendly aid of the United States and its generous and magnanimous people they were about to achieve their independence, and exhorted his people to remain obedient and loyal to our Army and the authorities of our Government.

The people of that stricken island, since bathed with the blood of its own people, mingled with the blood of American heroes, at the very moment when they most expected assurance—ah, more than this, when they confidently hoped to realize the full fruition of their longing aspirations for liberty, independence, and self-government—turned their guns against us, and, instead of being our friends and allies, have become our bitterest foes. It is impossible to believe, Mr. Chairman, that this sudden and fateful change in the attitude of these people toward us was wrought without some strong and overmastering reason.

The mistake, if such it was, by whomsoever made, that provoked this rupture and brought on this clash of arms was a crime against humanity that all the precious blood and treasure involved in its fearful sequence will not efface. We are forced to believe that nothing short of a sore disappointment of the hopes and expectations of this people, whether justified or otherwise, could induce them to resort to armed resistance when such resistance must prove fruitless.

But a people capable of maintaining an army of more than 30,000 soldiers in the field, with a government adequate to administer the affairs of state, enforce order, protect life and property, sustain a high order of discipline in her army and undergo the sacrifices that have been made, for the sole purpose of establishing their independence, deserve to be considered worthy of that independence at the hands of this great and exemplary Republic. If it be true that, misguided in their judgment, rash and inconsiderate in their action, the Filipinos, without just and sufficient cause, initiated this unfortunate war, still it must be conceded that they have demonstrated a very high order of capacity for self-government and their no less worthiness of its enjoyment.

If capable and worthy, as I believe they are, why withhold from them the same measure of justice that we propose to the people of Cuba, the latter near our own shores and belonging to our own hemisphere, the former in the Orient, belonging to another hemisphere, and about 8,000 miles from our capital?

Mr. Chairman, no false sentiment should be appealed to. Our President is in the habit of saying many trite and beautiful things in his public addresses, but I am sure that the President did not mean all that he said when, in an enthusiastic and patriotic

mood, surrounded by an admiring and warm-hearted Southern audience, instinct with the spirit of war and the incitement of the hour, he gave utterance to that touching sentiment, "Who shall pull down the flag?" "Who shall pull down the flag?" is a very stirring utterance, especially when spoken by the President of the United States under trying and exciting times; but, Mr. Chairman, there are many worse things that could happen the flag than pulling it down.

We all honor and revere the flag, not the Stars and Stripes, but what the Stars and Stripes stand for—liberty, freedom, and union. The flag is the emblem of all those cardinal principles proclaimed in the Declaration of Independence and secured and guaranteed in the Constitution. Wherever it floats, whether upon land or sea, in the Occident or in the Orient, it proclaims that beneath its sheltering folds and protecting ægis there shall be enjoyed by all the right to worship God according to the dictates of conscience; the right of the people to peaceably assemble and petition the Government for a redress of grievances, to keep and bear arms under regulations of law; to be guaranteed protection against quartering any soldier in the domicile of the owner in time of peace, without his consent, nor in war, but in accordance with law; to enjoy immunity of person, houses, papers, and effects from unreasonable seizure and search; the right of trial by jury for a capital or infamous crime upon presentation on indictment first had by a grand jury; that no person shall be twice put in jeopardy of limb or life for the same offense; that he shall have the right to enforce the attendance of witnesses in his behalf in a criminal cause, and to be confronted with his accusers; that he shall not be deprived of life, liberty, or the pursuit of happiness without due process of law; nor be deprived of his property for public use without just compensation; nor of a speedy and public trial by jury in the State or district wherein the crime shall have been committed; that the accused shall be entitled to be informed of the nature and cause of the accusation against him, and to be confronted by the witnesses against him; that he shall be entitled to counsel, and not subject to excessive bail, nor excessive fines, nor cruel and unusual punishments; nor shall slavery or involuntary servitude, except as a punishment for crime upon due conviction, exist in any State or Territory; nor shall any law be enacted impairing the obligation of contracts; nor any law be passed denying or abridging the right to vote on account of race, color, or previous condition of servitude; nor suspending the writ of habeas corpus in times of peace; nor for a bill of attainder; nor ex post facto law. All taxes, duties, imposts and excises levied by Congress shall be for the purpose of paying the debts and providing for the common defense and general welfare of the United States, and all such duties, imposts and excises shall be uniform throughout the United States. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration taken as prescribed by the Constitution. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. These are some of the essential and fundamental rights guaranteed to all citizens under the protection of the flag and all persons within the bounds of the Republic.

When the flag ceases to represent these principles; when it is raised over an alien people in alien lands, and becomes typical of aggression and conquest, then, however much we may honor and extol the heroism of American patriotism that raised it, it would tarnish the honor and glory of that flag not to haul it down when it shall have served the purpose of its erection. Whenever and wherever the flag is raised in the accomplishment of a great national achievement, though crimsoned with the blood of martyrs, if to permit it to remain would reflect upon the honor of our country and the memory of the patriotic dead, would it not be far more honorable and exalting to our patriotism to haul it down?

Mr. Chairman, I yield to no one in my reverence and devotion to the flag of my country, but I do not believe in the patriotism of that sentiment that forbids the hauling down the flag when raised in foreign lands and over an alien and fallen foe to signalize the glory of American arms and the supremacy of the American Republic in a war successfully waged in the interest of humanity and for the freedom of our fellow-man. If, when our task is done and our victory complete, duty commands, we should haul down the old flag and, with its battle-scarred folds and precious memories, return it once more to our country to be loved and cherished as a sacred memento of its untarnished honor. [Loud applause.]

The CHAIRMAN. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES of Virginia. Mr. Chairman, the pretext of those who favor the legislation embodied in this bill is that it will provide a revenue with which to carry on works of internal improvement in Puerto Rico and establish in that island a system of public education. I do not deny that the inhabitants of Puerto Rico stand in need of education, and I believe that they earnestly desire to be afforded an opportunity to secure it. I do not deny that it would be to their advantage to construct improved highways

throughout the length and breadth of their island, but what I do deny is that they need either education or roads to the extent that they need food and clothes.

Mr. Chairman, we must minister to the material wants and necessities of these people before we undertake the improvement either of their minds or their roads. They are naked and we must clothe them; they are starving and we must feed them. It is worse than idle, nay, it is the very refinement of cruelty, to talk of educating the youth of Puerto Rico when the great bulk of its people—men, women, and children—are suffering the pangs of hunger, are absolutely starving and dying for the want of the very bread of life.

There are thousands upon thousands of Puerto Ricans who have not for many months tasted either meat or bread, save that which has been doled out to them by the officials of our Government, and for most of which they were indebted to the generosity and the bounty of the people of the United States. You must make these people self-sustaining before you can educate them. Starving people are not capable of appreciating the beauties of that education of which Republicans speak so eloquently upon this floor.

Mr. Chairman, we have been told by at least two of the leaders of the majority party in this House that the sugar and tobacco trusts alone would be benefited by free commerce with Puerto Rico. Only a moment ago the chairman of the Ways and Means Committee declared that free trade between the people of this island and the rest of the United States would only benefit the sugar and tobacco interests of Puerto Rico. How does that gentleman know this? Where did he get his information? Does he believe that his President would have said that it was our "plain duty" to give these people free trade had he understood that free trade would be alone beneficial to the sugar and tobacco trusts?

Perhaps he has other and better sources of information than those possessed by the President and the Secretary of War and the military governor of the island. If it be true that free trade would only benefit these two trusts, why is it that all classes and every interest in the island of Puerto Rico are petitioning Congress for free trade? Not a single Puerto Rican voice has been raised in favor of the policy which the Republicans of this House would force down the unwilling throats of the people of Puerto Rico. On the contrary, those people as a whole are entreating Congress, through their chosen representatives, to give to them absolute freedom of trade.

Mr. Chairman, I for one do not believe that any great syndicates are asking that all tariff barriers between Puerto Rico and the rest of the United States shall be removed. If so, it is the first time in the history of the Republican party that their voices have not been heeded.

On the contrary, I believe that those great monopolies which have grown up under the fostering care of a high protective tariff are solely responsible for the sudden change of front of the Republican party upon this great question. These monopolies have demanded that a tariff shall be laid upon the products of Puerto Rico, and the Republican party, although conscious of the grievous wrong it is doing a starving people, dares not deny the demand.

The chief imports of the island of Puerto Rico are rice, fish, meat, lard, flour, corn meal, lumber, machinery, and agricultural implements, and you would, by taxing these necessities of life, add to the already well-nigh intolerable burdens of these poor people.

For years the controversy as to who paid the customs duties has gone on in this country. You Republicans have said the producers paid them; we on this side have claimed that the consumers paid them. Under this bill every bushel of corn meal that the American farmer sends to Puerto Rico pays a tariff tax of 5 cents. This tax is paid by somebody. If paid by the American farmer, it is an unjust tax; if paid by the starving Puerto Rican, it is a cruel and heartless tax. And what is true of corn meal is equally true of rice, of meat, and of flour.

The people of Puerto Rico are asking for bread; do not let us give them a stone. They are asking to be treated as the people of the Territories of Arizona, of New Mexico, and of Oklahoma are treated. Aye, they are asking to be given the same generous treatment that has been accorded to the people of the Hawaiian Islands. Hawaii to-day produces six times as much sugar as does Puerto Rico and is capable of producing ten times as much. Only one-fifth of the inhabitants of Hawaii are white, while seven-tenths of those of Puerto Rico are white. Hawaii is thousands of miles away, while Puerto Rico is only a few hundred.

The people of Puerto Rico entreat you to deal with them as justly and as fairly as you would deal with those of the Hawaiian Islands. Will you turn a deaf ear to their entreaties? They received your armies with open arms, and they demonstrated their loyalty in a thousand ways. They implore you to give them meat and bread with which to sustain their miserable lives, and you reply that instead you will build them splendid schoolhouses and construct for them magnificent highways. Listen, I beseech you, in your treatment of these starving, dying people, to the voice of reason and of humanity. [Loud applause on the Democratic side.]

[Here the hammer fell.]

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise and report the bill and the amendments to the House with the recommendation that the amendments be adopted and that the bill do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8245, and had instructed him to report the same back with various amendments, including an amendment to the title and a preamble to the bill, and with the recommendation that the bill as amended do pass.

Mr. PAYNE. Mr. Speaker, before moving the previous question, in accordance with the agreement which we had, and by order of the House, I will now yield to some member of the opposition to offer the substitute.

Mr. MCALL. Mr. Speaker, I offer the following as a substitute for the pending bill.

The SPEAKER. The gentleman from Massachusetts offers a substitute for the pending bill, being the substitute agreed to as being permissible in the House. The Clerk will report.

The Clerk read as follows:

Amend the bill by striking out all after the enacting clause and inserting the following:

"That the laws of the United States relating to customs and internal revenue, including those relating to the punishment for crimes in connection with the enforcement of said laws, are hereby extended to and over the island of Puerto Rico and all adjacent islands and waters of the islands ceded to the United States by the Government of Spain by treaty concluded April 11, 1899, so far as such laws may be applicable.

"SEC. 2. That there shall be in the ceded island one customs collection district, as follows: The district of Puerto Rico, to comprise all the islands ceded, as aforesaid, in which San Juan shall be the port of entry, and Ponce, Mayaguez, Arecibo, Aguadilla, Arroyo, and Ilumacao subports of entry; and there shall be in said collection district a collector of customs, who shall reside at San Juan, and shall receive an annual salary of \$4,000.

"Customs officers shall be stationed at said subports, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other service as is provided by law, and they shall receive such compensation as the Secretary of the Treasury may deem just and reasonable.

"SEC. 3. That the President of the United States is hereby authorized to establish an internal-revenue collection district to embrace all the said islands, or in his discretion to annex said islands to some other internal-revenue collection district of the United States."

Mr. PAYNE. Mr. Speaker, I now move the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman from New York moves the previous question upon the bill and amendments to its passage.

Mr. RICHARDSON. And the substitute.

The SPEAKER. Including the substitute.

The previous question was ordered.

The SPEAKER. The first thing in order will be a vote on the amendments reported by the Committee of the Whole. Is a separate vote demanded? [After a pause.] The Chair hears no such demand, and the question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the substitute.

Mr. MCALL. Mr. Speaker, on that I ask that the vote be taken by the yeas and nays.

Mr. RICHARDSON. We join in that.

The yeas and nays were ordered.

Mr. RICHARDSON. Now, Mr. Speaker, I ask that order may be restored, so that we may hear gentlemen who vote upon this question.

The SPEAKER. The business of the House will not be proceeded with until order is observed. All gentlemen will take their seats and cease conversation. The Chair admonishes the House that all business is suspended until it is in order.

The question was taken; and there were—yeas 160, nays 174, answered "present" 1, not voting 18; as follows:

YEAS—160.

Adamson,	Clayton, Ala.	Gaston,	Littlefield,
Allen, Ky.	Clayton, N. Y.	Gayle,	Livingston,
Allen, Miss.	Cochran, Mo.	Gilbert,	Lloyd,
Atwater,	Cooney,	Glynn,	Lorimer,
Bailey, Tex.	Cooper, Tex.	Gordon,	McAleer,
Ball,	Cowherd,	Green, Pa.	McCall,
Bankhead,	Crawford,	Griffith,	McClellan,
Barber,	Crowley,	Griggs,	McCulloch,
Bartlett,	Crumpacker,	Hall,	McDowell,
Bell,	Cummings,	Hay,	McLain,
Benton,	Cusack,	Heatwole,	McRae,
Berry,	Daly,	Henry, Miss.	Maddox,
Bradley,	Davenport, S. W.	Henry, Tex.	May,
Brantley,	Davis,	Howard,	Meekison,
Breazeale,	De Armond,	Jett,	Miers, Ind.
Brenner,	De Graffenreid,	Johnston,	Moon,
Brewer,	Denny,	Jones, Va.	Muller,
Broussard,	Dinsmore,	Kitchin,	Naphe,
Brundidge,	Dougherty,	Kieberg,	Neville,
Burke, Tex.	Driggs,	Klutz,	Newlands,
Burleson,	Elliot,	Lamb,	Noonan,
Burnett,	Epes,	Lanham,	Norton, Ohio
Caldwell,	Finley,	Latimer,	Norton, S. C.
Campbell,	Fitzgerald, Mass.	Lentz,	Otey,
Carmack,	Fitzgerald, N. Y.	Lester,	Pierce, Tenn.
Catchings,	Fitzpatrick,	Levy,	Polk,
Chanler,	Foster,	Lewis,	Quarles,
Clark, Mo.	Gaines,	Little,	Randsdell,

Rhea, Ky.
Rhea, Va.
Richardson,
Ridgely,
Riordan,
Rixey,
Robb,
Robbins,
Robertson, La.
Robinson, Ind.
Robinson, Nebr.
Rucker,

Ruppert,
Ryan, N. Y.
Ryan, Pa.
Salmon,
Scudder,
Shackelford,
Shafroth,
Sheppard,
Sims,
Slayden,
Snodgrass,
Stark,

Stephens, Tex.
Stokes,
Sulzer,
Sutherland,
Swanson,
Talbert,
Taylor, Ala.
Terry,
Thayer,
Thomas, N. C.
Turner,
Underhill,

Underwood,
Vandiver,
Wheeler, Ky.
Williams, J. R.
Williams, W. E.
Williams, Miss.
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Young, Va.
Zenor,
Ziegler.

NAYS—174.

Acheson,
Adams,
Alexander,
Allen, Me.
Babcock,
Baker,
Barham,
Barney,
Bartholdt,
Bingham,
Bishop,
Boeing,
Boutell, Ill.
Bowersock,
Brick,
Bromwell,
Brosius,
Brown,
Brownlow,
Bull,
Burke, S. Dak.
Burkett,
Burleigh,
Burtin,
Butler,
Calderhead,
Cannon,
Capron,
Clarke, N. H.
Cochrane, N. Y.
Connell,
Cooper, Wis.
Corliss,
Cousins,
Cromer,
Crump,
Curtis,
Cushman,
Dahle,
Dalzell,
Davenport, S. A.
Davey,
Davidson,
Dayton,

De Vries,
Dick,
Dolliver,
Dovener,
Driscoll,
Eddy,
Emerson,
Esch,
Fletcher,
Fordney,
Foss,
Fowler,
Freer,
Gamble,
Gardner, Mich.
Gardner, N. J.
Gill,
Gillet, N. Y.
Gillett, Mass.
Graff,
Graham,
Greene, Mass.
Grosvenor,
Grout,
Grow,
Hamilton,
Haugen,
Hawley,
Hedge,
Hemenway,
Henry, Conn.
Hepburn,
Hill,
Hitt,
Hoffecker,
Hopkins,
Howell,
Hull,
Jack,
Jenkins,
Jones, Wash.
Joy,
Kahn,
Kerr,

Ketcham,
Knox,
Lacey,
Landis,
Lawrence,
Linney,
Littauer,
Long,
Loud,
Loudenslager,
Loving,
Lybrand,
McClary,
McPherson,
Mahon,
Mann,
Marsh,
Mercer,
Mesick,
Metcalf,
Meyer, La.
Miller,
Minor,
Mondell,
Moody, Mass.
Moody, Oreg.
Morgan,
Morris,
Mudd,
Needham,
O'Grady,
Olmsted,
Otjen,
Overstreet,
Packer, Pa.
Parker, N. J.
Payne,
Pearce, Mo.
Pearre,
Phillips,
Powers,
Prince,
Pugh,
Ray.

Reeder,
Roberts,
Rosenberg,
Russell,
Shattuc,
Sherman,
Showalter,
Sibley,
Smith, Ill.
Smith, H. C.
Smith, Samuel W.
Smith, Wm. Alden
Southard,
Spalding,
Sperry,
Sprague,
Steele,
Stevens, Minn.
Stewart, N. J.
Stewart, N. Y.
Stewart, Wis.
Sulloway,
Tawney,
Taylor, Ohio
Thomas, Iowa
Thropp,
Tompkins,
Tongue,
Van Voorhis,
Vreeland,
Wachter,
Wadsworth,
Wanger,
Waters,
Watson,
Weaver,
Weeks,
Weymouth,
White,
Wright,
Young, Pa.
The Speaker.

ANSWERED "PRESENT"—1.

Bellamy.

NOT VOTING—18.

Bailey, Kans.
Boutelle, Me.
Cox,
Faris,
Fleming,

Fox,
Gibson,
Harmer,
Lane,
Reeves,

Shelden,
Small,
Smith, Ky.
Sparkman,
Spight,

Stallings,
Tate,
Warner.

The SPEAKER. The Clerk will call my name. The Clerk called the Speaker's name, and he voted "no," as above recorded.

So the substitute was rejected.

The following pairs were announced:

Until further notice:

Mr. BAILEY of Kansas with Mr. BELLAMY.

Mr. REEVES with Mr. SPARKMAN.

Mr. GIBSON with Mr. TATE.

For this day:

Mr. SHELLEN with Mr. COX.

Mr. BOUTELLE of Maine with Mr. FOX.

Mr. HARMER with Mr. WARNER.

Mr. BELLAMY. Mr. Speaker, I wish to state that I am paired with Mr. BAILEY of Kansas. If I were to vote, I would vote "aye" on this substitute.

Mr. TALBERT. Mr. Speaker, I ask for a recapitulation.

Mr. WHEELER of Kentucky. Mr. Speaker, my colleague, Mr. SMITH of Kentucky, is detained at his home by very important business. At his request I desire to state that if present he would vote "aye" on this proposition.

Mr. LORIMER. Mr. Speaker, I have been requested by my colleague, Mr. WARNER, who is home very ill, to say that if he were here he would vote for this substitute and against the bill.

Mr. RICHARDSON. Mr. Speaker, my colleague, Mr. COX, is detained at his room by illness. If he were present, he would vote "aye."

Mr. BARTLETT. I desire, Mr. Speaker, to make the announcement that my colleague, Mr. FLEMING, is detained by illness and can not be here. If he were here, he would vote "aye."

Mr. ADAMS. Mr. Speaker, my colleague, Mr. HARMER, is detained at home by illness. If he were present he would vote "no."

The SPEAKER. The gentleman from South Carolina asks for a recapitulation.

The Chair thinks, in view of the importance of the question, the vote should be recapitulated.

Mr. BARTLETT. Mr. Speaker, before the vote is recapitulated, I desire to make a further announcement—that my colleague, Mr. TATE, was called away yesterday by the serious illness of his mother. If present, he would vote "aye."

Mr. KLUTTZ. Mr. Speaker, I wish to announce that my colleague, Mr. SMALL, is detained at home in North Carolina, unable to be here; but if here, he would vote "aye."

The Clerk proceeded to recapitulate the names of those voting.

Mr. SPIGHT. Mr. Speaker, I was not present when the roll was called, but I wish to be recorded as present, and state that I would vote "aye" if I were present.

The SPEAKER. The gentleman's statement will go into the RECORD.

The result of the vote was then announced, as above recorded.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a motion to recommit the bill.

The SPEAKER. At the proper time the gentleman will be recognized.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. At this stage of the proceedings the Chair is of the opinion that the House should consider the change of preamble by way of amendment.

Mr. PAYNE. Mr. Speaker, I ask for the previous question on the preamble.

Mr. RICHARDSON. There is no objection to it.

The previous question was ordered.

The preamble was agreed to.

The bill was read the third time.

Mr. RICHARDSON. Mr. Speaker, I move to recommit the bill to the Committee on Ways and Means.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. RICHARDSON. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 172, answered "present" 1, not voting 17; as follows:

YEAS—162.

Adamson, Allen, Ky. Allen, Miss. Atwater, Bailey, Tex. Ball, Bankhead, Barber, Bartlett, Bell, Benton, Berry, Bradley, Brantley, Breazeale, Brenner, Brewer, Broussard, Brundidge, Burke, Tex. Burleson, Burnett, Caldwell, Campbell, Carmack, Catchings, Chanler, Clark, Mo. Clayton, Ala. Clayton, N. Y. Cochran, Mo. Cooney, Cooper, Tex. Cowherd, Crawford, Crowley, Crumpacker, Cummings, Cusack, Daly, N. J. Davenport, S. W. Davis, De Armond, De Graffenreid, Denny, Dinsmore, Dougherty, Driggs, Elliott, Epes, Finley, Fitzgerald, Mass. Fitzgerald, N. Y. Fitzpatrick, Fletcher, Foster, Gaines, Gaston, Gayle, Gilbert, Glynn, Gordon, Green, Pa. Griffith, Griggs, Hall, Hay, Heatwole, Henry, Miss. Henry, Tex. Howard, Jett, Johnston, Jones, Va. Kitchin, Kleberg, Kluttz, Lamb, Lanham, Latimer, Lester, Levy, Lewis, Little, Littlefield, Livingston, Lloyd, Lorimer, McAleer, McCall, McClellan, McCulloch, McDowell, McLain, McRae, Maddox, May, Meekison, Myers, Ind. Moon, Muller, Naphe, Neville, Newlands, Noonan, Norton, Ohio Norton, S. C. Otey, Pierce, Tenn. Polk, Quarles, Ransdell, Rhea, Ky. Rhea, Va. Richardson, Ridgely, Riordan, Rixey, Robb, Robbins, Robertson, La. Robinson, Ind. Robinson, Nebr. Rucker, Ruppert, Ryan, N. Y. Ryan, Pa. Salmon, Scudder, Shackelford, Shafroth, Sheppard, Sims, Slayden, Snodgrass, Spight, Stark, Stephens, Tex. Stokes, Sulzer, Sutherland, Swanson, Talbert, Taylor, Ala. Terry, Thayer, Thomas, N. C. Turner, Underhill, Underwood, Vandiver, Wheeler, Ky. Williams, J. R. Williams, W. E. Williams, Miss. Wilson, Idaho Wilson, N. Y. Wilson, S. C. Young, Va. Zenor, Ziegler.

NAYS—172.

Acheson, Adams, Alexander, Allen, Me. Babcock, Baker, Barham, Barney, Bartholdt, Bingham, Bishop, Boreing, Boutell, Ill. Bowersock, Brick, Brownell, Brosius, Brown, Brownlow, Bull, Burke, S. Dak. Burkett, Burleigh, Burton, Butler, Calderhead, Cannon, Capron, Clarke, N. H. Cochran, N. Y. Connell, Cooper, Wis. Corliss, Cousins, Cromer, Crump, Curtis, Cushman, Dahle, Wis. Dalzell, Davenport, S. A. Davenport, S. W. Davidson, De Vries, Dick, Dolliver, Dovener, Driscoll, Eddy, Emerson, Esch, Fordney, Foss, Fowler, Freer, Gamble, Gardner, Mich. Gillet, N. Y. Gillett, Mass. Graf, Graham, Greene, Mass. Grosvenor, Grout, Grow, Hamilton, Haugen, Hawley, Hedge, Hemenway, Henry, Conn. Hepburn, Hill, Hitt, Hoffecker, Hopkins, Howell, Hull, Jack, Jenkins, Jones, Wash. Joy, Kahn, Kerr, Ketcham, Knox, Lacey, Landis, Lawrence, Linney, Littauer, Long, Loud, Loudenslager, Lovering, Lybrand, McCleary, McPherson, Mahon, Mann, Marsh, Mercer, Mesick, Metcalf, Meyer, La. Miller, Minor, Mondell, Moody, Mass. Moody, Oreg. Morgan, Morris, Mudd, Needham, O'Grady, Olmsted, Otjen, Overstreet, Packer, Pa. Parker, N. J. Payne, Pearce, Mo. Phillips, Powers, Prince, Pugh, Ray, Reeder, Roberts, Rodenberg, Russell, Shattuc, Sherman, Showalter, Sibley, Ill. Smith, H. C. Smith, S. W. Smith, Wm. Alden Southard, Spalding, Sperry, Sprague, Steele, Stevens, Minn. Stewart, N. J. Stewart, N. Y. Stewart, Wis. Sulloway, Tawney, Tayler, Ohio Thomas, Iowa Thropp, Tompkins, Tongue, Van Voorhis, Vreeland, Wachter, Wadsworth, Wanger, Waters, Watson, Weaver, Weeks, Weymouth, White, Wright, Young, Pa.

Hamilton, Haugen, Hawley, Hedge, Hemenway, Henry, Conn. Hepburn, Hill, Hitt, Hoffecker, Hopkins, Howell, Hull, Jack, Jenkins, Jones, Wash. Joy, Kahn, Kerr, Ketcham, Knox, Lacey, Landis, Lawrence, Linney, Littauer, Long, Loud, Loudenslager, Lovering, Lybrand, McCleary, McPherson, Mahon, Mann, Marsh, Mercer, Mesick, Metcalf, Meyer, La. Miller, Minor, Mondell, Moody, Mass. Moody, Oreg. Morgan, Morris, Mudd, Needham, O'Grady, Olmsted, Otjen, Overstreet, Packer, Pa. Parker, N. J. Payne, Pearce, Mo. Phillips, Powers, Prince, Pugh, Ray, Reeder, Roberts, Rodenberg, Russell, Shattuc, Sherman, Showalter, Sibley, Ill. Smith, H. C. Smith, S. W. Smith, Wm. Alden Southard, Spalding, Sperry, Sprague, Steele, Stevens, Minn. Stewart, N. J. Stewart, N. Y. Stewart, Wis. Sulloway, Tawney, Tayler, Ohio Thomas, Iowa Thropp, Tompkins, Tongue, Van Voorhis, Vreeland, Wachter, Wadsworth, Wanger, Waters, Watson, Weaver, Weeks, Weymouth, White, Wright, Young, Pa.

Hamilton, Haugen, Hawley, Hedge, Hemenway, Henry, Conn. Hepburn, Hill, Hitt, Hoffecker, Hopkins, Howell, Hull, Jack, Jenkins, Jones, Wash. Joy, Kahn, Kerr, Ketcham, Knox, Lacey, Landis, Lawrence, Linney, Littauer, Long, Loud, Loudenslager, Lovering, Lybrand, McCleary, McPherson, Mahon, Mann, Marsh, Mercer, Mesick, Metcalf, Meyer, La. Miller, Minor, Mondell, Moody, Mass. Moody, Oreg. Morgan, Morris, Mudd, Needham, O'Grady, Olmsted, Otjen, Overstreet, Packer, Pa. Parker, N. J. Payne, Pearce, Mo. Phillips, Powers, Prince, Pugh, Ray, Reeder, Roberts, Rodenberg, Russell, Shattuc, Sherman, Showalter, Sibley, Ill. Smith, H. C. Smith, S. W. Smith, Wm. Alden Southard, Spalding, Sperry, Sprague, Steele, Stevens, Minn. Stewart, N. J. Stewart, N. Y. Stewart, Wis. Sulloway, Tawney, Tayler, Ohio Thomas, Iowa Thropp, Tompkins, Tongue, Van Voorhis, Vreeland, Wachter, Wadsworth, Wanger, Waters, Watson, Weaver, Weeks, Weymouth, White, Wright, Young, Pa.

Hamilton, Haugen, Hawley, Hedge, Hemenway, Henry, Conn. Hepburn, Hill, Hitt, Hoffecker, Hopkins, Howell, Hull, Jack, Jenkins, Jones, Wash. Joy, Kahn, Kerr, Ketcham, Knox, Lacey, Landis, Lawrence, Linney, Littauer, Long, Loud, Loudenslager, Lovering, Lybrand, McCleary, McPherson, Mahon, Mann, Marsh, Mercer, Mesick, Metcalf, Meyer, La. Miller, Minor, Mondell, Moody, Mass. Moody, Oreg. Morgan, Morris, Mudd, Needham, O'Grady, Olmsted, Otjen, Overstreet, Packer, Pa. Parker, N. J. Payne, Pearce, Mo. Phillips, Powers, Prince, Pugh, Ray, Reeder, Roberts, Rodenberg, Russell, Shattuc, Sherman, Showalter, Sibley, Ill. Smith, H. C. Smith, S. W. Smith, Wm. Alden Southard, Spalding, Sperry, Sprague, Steele, Stevens, Minn. Stewart, N. J. Stewart, N. Y. Stewart, Wis. Sulloway, Tawney, Tayler, Ohio Thomas, Iowa Thropp, Tompkins, Tongue, Van Voorhis, Vreeland, Wachter, Wadsworth, Wanger, Waters, Watson, Weaver, Weeks, Weymouth, White, Wright, Young, Pa.

Hamilton, Haugen, Hawley, Hedge, Hemenway, Henry, Conn. Hepburn, Hill, Hitt, Hoffecker, Hopkins, Howell, Hull, Jack, Jenkins, Jones, Wash. Joy, Kahn, Kerr, Ketcham, Knox, Lacey, Landis, Lawrence, Linney, Littauer, Long, Loud, Loudenslager, Lovering, Lybrand, McCleary, McPherson, Mahon, Mann, Marsh, Mercer, Mesick, Metcalf, Meyer, La. Miller, Minor, Mondell, Moody, Mass. Moody, Oreg. Morgan, Morris, Mudd, Needham, O'Grady, Olmsted, Otjen, Overstreet, Packer, Pa. Parker, N. J. Payne, Pearce, Mo. Phillips, Powers, Prince, Pugh, Ray, Reeder, Roberts, Rodenberg, Russell, Shattuc, Sherman, Showalter, Sibley, Ill. Smith, H. C. Smith, S. W. Smith, Wm. Alden Southard, Spalding, Sperry, Sprague, Steele, Stevens, Minn. Stewart, N. J. Stewart, N. Y. Stewart, Wis. Sulloway, Tawney, Tayler, Ohio Thomas, Iowa Thropp, Tompkins, Tongue, Van Voorhis, Vreeland, Wachter, Wadsworth, Wanger, Waters, Watson, Weaver, Weeks, Weymouth, White, Wright, Young, Pa.

ANSWERED "PRESENT"—1.

Bellamy.

NOT VOTING—17.

Bailey, Kans. Boutelle, Me. Cox, Faris, Fleming, Fox, Gibson, Harmer, Lane, Reeves, Shelden, Small, Smith, Ky. Sparkman, Stallings, Tate, Warner.

So the motion to recommit was rejected.

The SPEAKER. The question is now on the passage of the bill.

Mr. PAYNE and Mr. RICHARDSON. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 160, answering "present" 1, not voting 20; as follows:

YEAS—172.

Acheson, Adams, Alexander, Allen, Me. Babcock, Baker, Barham, Barney, Bartholdt, Bingham, Bishop, Boreing, Boutell, Ill. Bowersock, Brick, Brownell, Brosius, Brown, Brownlow, Bull, Burke, S. Dak. Burkett, Burleigh, Burton, Butler, Calderhead, Cannon, Capron, Clarke, N. H. Cochran, N. Y. Connell, Cooper, Wis. Corliss, Cousins, Cromer, Crump, Curtis, Cushman, Dahle, Wis. Dalzell, Davenport, S. A. Davenport, S. W. Davidson, Dayton, De Vries, Dick, Dolliver, Dovener, Driscoll, Eddy, Emerson, Esch, Fordney, Foss, Fowler, Freer, Gamble, Gardner, Mich. Gardner, N. J. Gill, Gillet, N. Y. Gillett, Mass. Graham, Greene, Mass. Grosvenor, Grout, Grow, Hamilton, Haugen, Hawley, Hedge, Hemenway, Henry, Conn. Hepburn, Hill, Hitt, Hoffecker, Hopkins, Howell, Hull, Jack, Jenkins, Jones, Wash. Joy, Kahn, Kerr, Ketcham, Knox, Lacey, Landis, Lawrence, Linney, Littauer, Long, Loud, Loudenslager, Lovering, Lybrand, McCleary, McPherson, Mahon, Mann, Marsh, Mercer, Mesick, Metcalf, Meyer, La. Miller, Minor, Mondell, Moody, Mass. Moody, Oreg. Morgan, Morris, Mudd, Needham, O'Grady, Olmsted, Otjen, Overstreet, Packer, Pa. Parker, N. J. Payne, Pearce, Mo. Phillips, Powers, Prince, Pugh, Ray, Reeder, Roberts, Rodenberg, Russell, Shattuc, Sherman, Showalter, Sibley, Ill. Smith, H. C. Smith, Samuel W. Smith, Wm. Alden Southard, Spalding, Sperry, Sprague, Steele, Stevens, Minn. Stewart, N. J. Stewart, N. Y. Stewart, Wis. Sulloway, Tawney, Tayler, Ohio Thomas, Iowa Thropp, Tompkins, Tongue, Van Voorhis, Vreeland, Wachter, Wadsworth, Wanger, Waters, Watson, Weaver, Weeks, Weymouth, White, Wright, Young, Pa. The Speaker.

NAYS—160.

Adamson, Allen, Ky. Allen, Miss. Atwater, Bailey, Tex. Ball, Bankhead, Barber, Bartlett, Bell, Benton, Berry, Bradley, Brantley, Breazeale, Brenner, Brewer, Broussard, Brundidge, Burke, Tex. Burleson, Burnett, Caldwell, Campbell, Carmack, Catchings, Chanler, Clark, Mo. Clayton, Ala. Clayton, N. Y. Cochran, Mo. Cooney, Cooper, Tex. Cowherd, Crawford, Crowley, Crumpacker, Cummings, Cusack, Daly, Davenport, S. W. Davidson, De Armond, De Graffenreid, Denny, Dinsmore, Dougherty, Driggs, Elliott, Finley, Fitzgerald, Mass. Fitzgerald, N. Y. Fitzpatrick, Fletcher, Foster, Gaines, Gaston, Gayle, Gilbert, Glynn, Gordon, Green, Pa. Griffith, Griggs, Hall, Hay, Heatwole, Henry, Miss. Henry, Tex. Howard, Jett, Johnston, Jones, Va. Kitchin, Kleberg, Kluttz, Lamb, Lanham, Latimer, Lester, Levy, Lewis, Little, Littlefield, Livingston, Lloyd, Lorimer, McAleer, McCall, McClellan, McCulloch, McDowell, Meekison, Myers, Ind. Moon, Muller, Naphe, Neville, Newlands, Noonan, Norton, Ohio Norton, S. C. Otey, Pierce, Tenn. Polk, Quarles, Ransdell, Rhea, Ky. Rhea, Va. Richardson, Ridgely, Riordan, Rixey, Robb, Robbins, Robertson, La. Robinson, Ind. Robinson, Nebr. Rucker, Ruppert, Ryan, N. Y. Ryan, Pa. Salmon, Scudder, Shackelford, Shafroth, Sheppard, Sims, Slayden, Snodgrass, Spight, Stark, Stephens, Tex. Stokes, Sulzer, Sutherland, Swanson, Talbert, Taylor, Ala. Terry, Thayer, Thomas, N. C. Turner, Underhill, Underwood, Vandiver, Wheeler, Ky. Williams, J. R. Williams, W. E. Williams, Miss. Wilson, Idaho Wilson, N. Y. Wilson, S. C. Young, Va. Zenor, Ziegler.

McLain,
McRae,
Maddox,
May,
Meekison,
Miers, Ind.
Moon,
Muller,
Naphen,
Neville,
Newlands,
Noonan,
Norton, Ohio
Norton, S. C.
Otey,
Pierce, Tenn.
Polk,

Quarles,
Randsdell,
Rhea, Ky.
Rhea, Va.
Richardson,
Ridgely,
Riordan,
Rixey,
Robb,
Robbins,
Robertson, La.
Robinson, Ind.
Robinson, Nebr.
Rucker,
Ruppert,
Ryan, N. Y.
Ryan, Pa.

Salmon,
Scudder,
Shakleford,
Shafroth,
Sheppard,
Sims,
Slayden,
Snodgrass,
Spight,
Stark,
Stephens, Tex.
Stokes,
Sulzer,
Sutherland,
Swanson,
Talbert,
Taylor, Ala.

Terry,
Thayer,
Thomas, N. C.
Turner,
Underhill,
Underwood,
Vandiver,
Wheeler,
Williams, J. R.
Williams, W. E.
Williams, Miss.
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Young, Va.
Zenor,
Ziegler.

ANSWERED "PRESENT"—1
Bellamy.

NOT VOTING—20.

Bailey, Kans.
Boutelle, Me.
Cooney,
Cox,
Epes,

Faris,
Fleming,
Fox,
Gibson,
Harmer,

Lane,
Reeves,
Shelden,
Small,
Smith, Ky.

Sparkman,
Stallings,
Tate,
Wadsworth,
Warner,

So the bill was passed.

During the roll call the following proceedings took place:

Mr. SCUDDER. Mr. Speaker, I would like to be recorded in the negative on this question.

The SPEAKER. The Chair will ask the gentleman if he was in his place and listening to his name, and failed to hear it when called?

Mr. SCUDDER. I was in my place, Mr. Speaker, was present during the roll call, listening for my name, and failed to hear it.

The SPEAKER. The Clerk will call the name of the gentleman from New York.

Mr. SCUDDER's name was called and recorded as above.

The following additional pair was announced:

Mr. WADSWORTH with Mr. EPES.

Mr. BELLAMY. Mr. Speaker, having respected my pair with the gentleman from Kansas, Mr. BAILEY, I desire to say that were it not for that pair I should vote in the negative upon this question.

The SPEAKER. The Chair will state that this is done only by unanimous consent.

The result of the vote was then announced as above recorded (the announcement being received with prolonged applause on the Republican side).

The SPEAKER. Without objection, the amendment to the title as recommended by the committee will be agreed to.

There was no objection.

On motion of Mr. PAYNE, a motion to reconsider the vote last taken was laid on the table.

LEAVE TO PRINT.

Mr. RICHARDSON. Mr. Speaker, a number of gentlemen who have made very short speeches on this side, and some gentlemen on the other, as well as a number who had no opportunity of speaking at all, desire permission to submit remarks to be incorporated in the RECORD. I ask unanimous consent that all gentlemen have leave, for ten days, to print remarks upon this subject in the RECORD.

Mr. PAYNE. Not only those who did speak, but those who did not?

Mr. RICHARDSON. Certainly.

Mr. PAYNE. I agree in that request.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee, that all gentlemen who desire to do so may submit remarks on the bill just passed, to be printed in the RECORD for a period of ten days from this date?

There was no objection.

NICARAGUA CANAL BILL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the bill H. R. 2538, a bill to provide for the construction of a canal connecting the waters of the Atlantic and the Pacific oceans, may be made a special order for the 13th day of March, which will be Tuesday, immediately after the reading of the Journal.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. TERRY. Mr. Speaker, I would like to ask the gentleman one question: Is that a bill for the construction and ownership, under American control, of this canal?

Mr. HEPBURN. It is.

Mr. TERRY. Then I hope the request of the gentleman will be granted.

Mr. BAILEY of Texas. I simply rise to inquire if the gentleman from Iowa has any superstitious doubts or feelings about the 13th day of March? [Laughter.]

Mr. HEPBURN. None in the world.

Mr. BAILEY of Texas. Because, if he had, I would like to suggest either the 12th or the 14th.

Mr. HEPBURN. I have no superstition about the matter.

Mr. BURTON. Let me ask the gentleman if that contemplates the bringing up of this bill for consideration before the disposition of the treaty now pending in the Senate?

Mr. HEPBURN. I know nothing whatever of the treaty in the Senate, as to when it will be considered, and this has no connection with it.

Mr. BURTON. Then I object.

BRIDGE ACROSS THE MISSISSIPPI AT DUBUQUE, IOWA.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (S. 2477) authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa.

The SPEAKER. The bill will be read, subject to the right of objection.

Mr. SHERMAN. This bill, I will state, Mr. Speaker, is on the Speaker's table, and is identical with the House bill. It has been reported by the Committee on Interstate and Foreign Commerce.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and was ordered to be read a third time; and, it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

Mr. SHERMAN. I ask that the corresponding House bill lie upon the table.

There was no objection.

And then, on motion of Mr. PAYNE (at 4 o'clock and 36 minutes p. m.), the House adjourned until 12 o'clock m. to-morrow, Thursday.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board relating to a credit in the accounts of Capt. Thomas Perry, United States Navy, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 972) to provide for the appointment of dental surgeons for service in the United States Army, reported the same with amendment, accompanied by a report (No. 468); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2967) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, reported the same without amendment, accompanied by a report (No. 469); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OTEY, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va., reported the same with amendment, accompanied by a report (No. 470); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8463) ratifying an appropriation by the legislature of Oklahoma out of the Morrill fund for the use of the university at Langston for colored students, reported the same without amendment, accompanied by a report (No. 471); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8330) for the relief of Harry H. Sieg—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5082) removing the charge of desertion from the

record of David P. McKewan—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 7564) granting a pension to Stephen Pilant—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7864) granting an increase of pension to Jennie E. Sawyers—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7180) to increase the pension of Amelia A. Taylor—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7418) granting an increase of pension to George Garrett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PEARRE: A bill (H. R. 8993) for the relief of customs inspectors—to the Committee on Claims.

By Mr. KLEBERG: A bill (H. R. 8994) authorizing and directing a survey for the removal of the bar between Matagorda Bay and Lavaca Bay, on the coast of Texas—to the Committee on Rivers and Harbors.

By Mr. BURLISON: A bill (H. R. 8995) to amend section 4832 of the Revised Statutes of the United States—to the Committee on Military Affairs.

By Mr. ROBINSON of Nebraska: A bill (H. R. 8996) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska"—to the Committee on Indian Affairs.

By Mr. WATERS: A bill (H. R. 9045) to amend an act to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer mining laws of the United States, approved February 11, 1897—to the Committee on the Public Lands.

By Mr. LESTER: A bill (H. R. 9046) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SAMUEL W. SMITH: A bill (H. R. 9051) to increase attorneys' fees, increase of pensions—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 9052) to establish a fish hatching and fish station in the State of Indiana—to the Committee on the Merchant Marine and Fisheries.

By Mr. BULL: A concurrent resolution (H. C. Res. 24) to print the Report of the Cruise of the United States Revenue Cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean—to the Committee on Printing.

By Mr. YOUNG of Pennsylvania: A joint resolution and memorial of the general assembly of the State of Maryland to the Congress of the United States for the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 8997) granting a pension to Mary E. Vishon—to the Committee on Pensions.

By Mr. ACHESON: A bill (H. R. 8998) granting an increase of pension to Alexander F. Hartford—to the Committee on Invalid Pensions.

By Mr. CHANLER: A bill (H. R. 8999) granting an increase of pension to Thomas B. Thornett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9000) to correct the military record of Reinhard Schneider—to the Committee on Military Affairs.

Also, a bill (H. R. 9001) granting an increase of pension to Catherine C. Tracey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9002) to provide for the extension of letters patent for an "Improvement in insulating submarine cables"—to the Committee on Patents.

Also, a bill (H. R. 9003) to confer jurisdiction upon the Court

of Claims to hear and determine claim for damages arising from the death of Carl Zabel—to the Committee on Claims.

By Mr. STANLEY W. DAVENPORT: A bill (H. R. 9004) for the relief of Emma Brong, widow of William Brong, of Wilkesbarre, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9005) granting an increase of pension to William W. Schooley, of Plymouth, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9006) granting a pension to Thomas M. Bonham, of Westmoor, Luzerne County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9007) granting a pension to Martha R. Suttiff, of Bloomingdale, Luzerne County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9008) granting a pension to Maria Bates, of Wilkesbarre, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9009) for the relief of John McGee, of Nanticoke, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9010) granting an increase of pension to Charles A. Westfield, of Wilkesbarre, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9011) for the relief of Morris Simonson, of West Pittston, Luzerne County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9012) for the relief of Cyrus Shearer, of Drums, Luzerne County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9013) for the relief Margaret Boyle, mother of Barney Boyle, of Freeland, Luzerne County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9014) for the relief of John Laycon, of Ceases Mills, Luzerne County, Pa.—to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 9015) for the relief of Henry M. Brainard—to the Committee on Military Affairs.

By Mr. FREER: A bill (H. R. 9016) to pension Jackson Lykins for services in the late war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9017) to pension Maj. J. T. Wharton, late surgeon, Sixth West Virginia Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9018) for the relief of John M. Cox—to the Committee on Military Affairs.

Also, a bill (H. R. 9019) to pension David Patterson, late lieutenant, Company E, Tenth West Virginia Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9020) to pension William J. Smith, late Company B, Sixteenth United States Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9021) for the relief of the estate of Ammon McLaughlin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9022) to pension J. A. Newbrough—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 9023) granting an increase of pension to Mrs. Mary Dobyns—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 9024) granting a pension to Abraham Levison—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 9025) for relief of Sarah A. E. Bailey, administratrix of Richard Griffith, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9026) for the relief of Martha A. Dochtermann, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 9027) for the relief of Timothy Ellsworth—to the Committee on Military Affairs.

By Mr. JONES of Washington: A bill (H. R. 9028) for the removal of the charge of desertion from the military record of Henry Von Hess—to the Committee on Military Affairs.

Also, a bill (H. R. 9029) for the removal of the charge of desertion from the military record of Andrew Dyer—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 9030) granting a pension to Samuel J. Oliver—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 9031) to indemnify Benjamin Longpre for losses sustained through cancellation of timber-culture entry—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 9032) for the relief of Isaac Newton, of Washington, D. C.—to the Committee on Claims.

By Mr. PHILLIPS: A bill (H. R. 9033) granting a pension to Reed F. Clark—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 9034) granting a pension to Sarah Harlow—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 9035) for the relief of the Cumberland Presbyterian Church, of Tullahoma, Tenn.—to the Committee on War Claims.

By Mr. RIDGELY: A bill (H. R. 9036) to remove the charge of desertion against E. A. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 9037) removing charge of desertion against Charles W. Botkin—to the Committee on Military Affairs.

Also, a bill (H. R. 9038) to correct war record of Elijah I. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 9039) to remove the charge of desertion against John Spruens—to the Committee on Military Affairs.

Also, a bill (H. R. 9040) to remove the charge of desertion against D. W. Light—to the Committee on Military Affairs.

Also, a bill (H. R. 9041) to remove charge of desertion against Adam R. Hartzell—to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 9042) granting an honorable discharge to Peter Green—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 9043) to increase the pension of David S. Snyder—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9044) granting an increase of pension to George W. Cone—to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 9048) for the relief of the estate of Eliza Breckenridge, deceased—to the Committee on Claims.

Also, a bill (H. R. 9049) granting a pension to Henry C. Larew—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 9050) for the relief of Augusta Ullman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the board of directors of the Boston Merchants' Association, for competing cable facilities between the United States and Cuba, etc.—to the Committee on Insular Affairs.

Also, resolution of Local Union No. 321, of Connellsville, Pa., Brotherhood of Carpenters and Joiners, against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

By Mr. ADAMSON: Petition of Ralph O. Howard and other druggists of Columbus, Ga., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BELLAMY: Petition of members of the Albemarle bar, practicing in the United States circuit and district court at Charlotte, N. C., for the passage of a bill for the appointment of a resident clerk of said courts at Charlotte, N. C.—to the Committee on the Judiciary.

By Mr. BULL: Resolutions of the New England Shoe and Leather Association, Boston, Mass., favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Local Union No. 4, International Brotherhood of Bookbinders, Washington, D. C., urging the passage of House bill No. 6872, authorizing the printing of the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

Also, petition of the libraries of Providence, R. I., in favor of the bill to establish a library post—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Resolutions of the New England Shoe and Leather Association, of Boston, Mass., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Petition of Williams & Anderson and 3 other drug firms of Estherville, Iowa, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. EMERSON: Petition of W. S. Lawrence and others, of Moriah, and G. Green and others, of Brushton, N. Y., in favor of the passage of House bill No. 3717, relating to oleomargarine and other dairy products—to the Committee on Agriculture.

By Mr. FITZGERALD of New York: Resolution of the employees of the New York Navy-Yard, requesting the building of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, memorial of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. GAMBLE: Resolutions of the National Live Stock Association, favoring the granting to the Interstate Commerce Commission adequate powers to fix rates, correct preferences and discriminations, and giving legal effect to their decisions—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill No. 1943, for the relief of Simon Price—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Central Accident Insurance

Company, of Pittsburg, Pa., urging the passage of the Sperry bill, and suggesting that the stamp act for the marine-insurance companies be extended to other insurance lines—to the Committee on Ways and Means.

Also, petition of the United National Association of Post-Office Clerks, Branch No. 33, in favor of the passage of House bill No. 4351, for the reclassification of salaries of clerks in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the National Park and Forest Reserve Association, American Public Health Association, Minnesota State Federation of Women's Clubs, and others, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. GREEN of Pennsylvania: Resolution of the Fireman's Association of the State of Pennsylvania and of the Reading Fireman's Relief Association, of Reading, Pa., in opposition to the passage of Senate bill No. 1743, establishing a division for the regulation of insurance among the several States—to the Committee on Interstate and Foreign Commerce.

Also, evidence to accompany House bill No. 3787, in support of the claim of Morris F. Cawley—to the Committee on War Claims.

Also, paper to accompany House bill No. 8268, for the relief of Levi L. Reed—to the Committee on Military Affairs.

By Mr. HENRY of Mississippi: Evidence relating to the claim of Martha A. Dochterman, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. KITCHIN: Resolution of the Chamber of Commerce of Charlotte, N. C., in favor of a bill providing a resident clerk of the United States circuit and district courts held at Charlotte, N. C.—to the Committee on the Judiciary.

By Mr. MERCER: Petition of cattle raisers of Rock County, Nebr., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. NAPHEN: Petition of M. W. Addison, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. NEVILLE: Evidence to accompany House bill for the relief of Benjamin Longpre—to the Committee on the Public Lands.

Also, brief and argument of Thomas C. Patterson and T. W. Blackburn, in support of bill for the relief of Benjamin Longpre—to the Committee on Claims.

By Mr. RUCKER: Petition of John S. Page and other citizens of Galt, Mo., asking for the enactment of a law granting a pension to Missouri State Militia—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of Hopewell Grange, No. 686, Patrons of Husbandry, Wagoner, Ind., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jos. T. McNary and others, of Logansport, Ind., asking that a pension be granted to Mary J. Stevenson—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Petition of South Platte Congregational Church, Hall County, Nebr., for the prohibition of the sale of liquors in Army canteens, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG of Pennsylvania: Petition of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, petition of the South St. Paul Live Stock Exchange, in opposition to the passage of House bill No. 6, imposing a tax on the manufacture and sale of oleomargarine—to the Committee on Ways and Means.

SENATE.

THURSDAY, March 1, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

REPORT OF INDUSTRIAL COMMISSION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from Senator KYLE, chairman of the Industrial Commission, transmitting a preliminary report of the Industrial Commission, and also a compilation of the laws of the United States and of the States and Territories affecting large industrial combinations and the decisions under them, which has been prepared under the supervision of the commission. The communication, with the accompanying papers, will be referred to the Committee on Printing, if there be no objection.